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ABSTRACT

This manual for new and current board members describes school board activities in California. The first of 11 chapters discusses the board's function and the member's role on the board. Chapter 2 touches on government regulation of education under federal and state constitutions and statutes. Chapter 3 introduces the structure of public education in California at the state, county, and local levels. The functions of school boards associations at state and national levels are covered in the fourth chapter. Chapter 5 discusses how board meetings are run and why they are run that way. Elements in the policy-making process are reviewed in chapter 6. Chapter 7 explores the relationship of the board to the superintendent, while the eighth chapter clarifies the board's relationship to the rest of the school district's employees. In the ninth chapter the board's role in planning, implementing, and evaluating the district's instructional program is considered. Chapter 10 examines the history of school finance and outlines the preparation of the district budget. Chapter 11 explains how to cope with the financial demands of educational facilities. Glossaries of terms in employment relations and school finance are appended. (PGD)

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A Guide For California School Board Members

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California School Boards Association • 1979

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Acknowledgements

This edition started 25 years ago with the first printing of Boardsmanship in 1955. Since then it has been revised seven times with the help of staff and board members. This, the eighth edition, is also the work of many people, including

- A special committee comprised of board members Allen McCombs, Vivian Doering, and Dr. Owen Griffith, and staff consultant Jan Parrott.
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Your Guide To Boardsmanship

The newly chosen board member faces a bewildering array of laws, regulations, traditions and procedures for governing a school district. A board member must be willing to devote many hours to serving as a trustee, studying complex financial and educational information, attending meetings, conferences, workshops, and studying thoroughly the issues and problems which demand a decision.

This manual covers areas of board responsibility and the specific "how to's" of boardsmanship.

The first *Boardsmanship* was prepared in 1955 by Stanford University with the assistance of a team of educators. It has been revised several times since. This current issue will provide you with up-to-date information on school laws and regulations, and will help you clarify your role as a board member.

The manual is provided by your state school boards association to provide you with a mini-course in California public school boardsmanship. The information is important to both new and veteran board members, to help guide you and remind you of the complex task facing you as a public school trustee.

After reading the contents you may have suggestions about how the next revision can be improved. We welcome them.

Code of Ethics

A code of ethics is an expression of those personal ideals which should guide an individual's daily activities.

In all my actions as a School Board Member, my first commitment is to the well-being of our youth. My primary responsibility is to each student — regardless of race, creed, color, sex, or national origin.

I also have other major commitments to:

- The Community. I am responsible to all citizens of the district and not solely to those who elected me; nor to any organization of which I may be a member, or which may have supported my election.
- Individuals. I have a direct concern for every individual in the community. As an integral part of my duties, I represent the authority and responsibility of government. This represents the delegated authority of the majority and must be exercised with as much care and concern for the least influential as for the most influential member of the community.
- Employees. My actions as a board member may affect the capability of district employees to practice their trade or profession and should encourage their increasing competence and professional growth.
- Laws, Policies. I must be aware of, and comply with, the constitutions of State and Nation, the Education Code of the State of California, other laws pertaining to public education, and the established policies of the district.
- Decision Making. It is my obligation, under the law, to participate in decisions pertaining to education in the district. As an elected representative of the people, I can neither relinquish nor delegate this responsibility to any other individual or group.
- Individual Feelings and Philosophy. Like every other individual, I have something to contribute to society.

Understanding and acting upon the foregoing premises, I shall:

— consider my position as a board member as a public trust and not use it for private advantage or personal gain.

— be constantly aware that I have no legal authority except when I am acting as a member of the board. I shall present my concerns and concepts through the process of board debate and, if in the minority on any decision, I shall abide by and support the majority decision. When I am in the majority, I shall respect divergent opinions.

- encourage ideas and opinions from the citizens of the district and endeavor to incorporate their views in the deliberations and decisions of the board.
- devote sufficient time, thought, and study to proposed actions to be able to base my decisions upon all available facts and vote my honest convictions unswayed by partisan bias of any kind.
- remember that the basic functions of the board are to establish the policies by which the schools of the district are to be administered and to select the superintendent and staff who will implement those policies.
- promote and participate actively in a concerted program of timely exchange of information with all citizens, parents, employees and students of the district.
- recognize that the deliberations of the board in executive session are not mine to release or discuss. They may be released or discussed in public only with the approval of the board.
- avail myself of opportunities for enlargement of my potential as a board member through participation in educational conferences, workshops, and training sessions made available by local, state, and national agencies.

Chapter 1

Meeting the Challenge

Skill, time, and commitment — all three are needed to be a school board member in today's society. Skill comes from constantly reading and reviewing current educational issues, taking time to visit schools, and willingly devote the hours necessary for board preparation. Most individuals who run for school boards have deep personal commitments to public education and are willing to give the time and energy to be well-informed. During your years of service as a school board member, you will find ample opportunity to strengthen the public school system, to help it become what the local community expects of it, and to constantly evaluate its success in helping young people become worthwhile citizens in an educated society.

The Root of Your Responsibility

According to the 10th Amendment to the Constitution of the United States and the Education Code of California, every person has the right to free and equal educational opportunities. And according to the American tradition, specifically in Article IX, Sections 1 and 5 of the California State Constitution, it is the duty and right of those locally in control to see that every person receives his or her constitutional right of free and equal education. You are now a member of that team which is locally in control. You have been entrusted with the power and authority to make decisions which will crucially affect the lives of many people — now and for years to come.

Board Membership As a Personal Experience

Serving on a board[1] is definitely time and energy consuming. And, as is the case in many efforts that are worthwhile, "no one is in it for the money." In years past, such service was without compensation; however, recent legislation has permitted board members the option of voting a stipend for serving on the board of education and attending board meetings.

This can be one of the most rewarding and educational experiences you will ever have. You will learn about educational mandates, methods of instruction and school finance. And when you see students benefiting from your district's programs and practices you will have your reward.

The Roles You Have Accepted

You and your board are policy-makers at the local level of one of the biggest businesses in California. More than one-third of all expenditures and more than one-half of all government staffing at the state and local level in the United States are devoted to education. In

[1]Throughout this manual, the phrase "board" includes both local and county boards.

many communities the schools are the largest single employer, operate the largest budget, manage the greatest capital investment and account for the largest portion of taxes. The schools also have the most direct contact with the public and affect more people than any other enterprise, public or private. You will wear many different hats:

As a trustee, you have been charged with seeing that the schools are well managed, tax dollars are wisely spent, and the investment and interests of the public are protected.

As an employer, you are obligated to assure fair and equitable practices for all employees, listen to their professional advice and judgment, support and provide for their needs, and promote good relationships and a healthy morale among the staff.

As an educational policy-maker, you have a moral commitment to provide the best possible learning experiences for all students, to meet the unique and separate needs of the individual, and to recognize and protect the rights and responsibilities of these young citizens.

As an elected official, you have several responsibilities:

- To assess the attitudes of the public whom you represent; therefore you must be accessible at public meetings and functions.
- To base your decisions on the needs of *all* the people. Problems should not be decided on the basis of geographic decisions, sectional interests, the demands of special interest groups, or political expediency.
- To be a spokesperson for the schools by discussing school affairs frequently and intelligently. The people of your school district or county regard you as "the Board of Education" away from meetings as well as during meetings. Your telephone will bring you their educational hopes and frustrations.

You Are A Member of a Team

No person is a Board. California has been very specific in delegating authority to the board as a whole, and not to individual members. Outside of official meetings a board member has no authority over school policies or employees, and no individual member may commit the group.

It cannot be over-emphasized that your board works as a team. The board should take action only after proposals have been thoroughly considered by all, and a group decision has been made.

School board meetings provide a forum for discussion and serious deliberation. Discussion at these meetings should represent

the best thinking of the group. Each board member has unique interests, talents and background and has therefore a unique contribution to make. Since each speaks from different experiences, differences of opinion may arise. Realizing such differences result from the perceptions of varying backrgrounds, members should respect each others' viewpoints. Meetings should not be allowed to deteriorate into heated debates or personal attacks. Some boards have adopted a policy to govern conduct at board meetings.

Goals for Growth

Being a board member is a growth experience that involves learning to be a member of a team. Here are some practices other board members have recommended:

- For Board Unity
  - Suspend judgment until the facts are available
  - Be willing to accept ideas from others
  - Subordinate selfish interests
  - Accept and support majority decision of the board
  - Identify self with board policies and actions
- For Leadership
  - Work tactfully with groups and individuals
  - Be willing to take responsibility when necessary to identify problems and determine solutions
  - Be willing to take sides in controversies
  - Make use of pertinent experience
  - Improve your ability to speak effectively in public
- For Executive Function
  - Understand the necessity of leaving administrative responsibilities to your superintendent.
  - Encourage open communications between the superintendent and the board.

Immediate Actions You Can Take to Learn Your New Job

Learning to be an effective board member is a continuous process; you will gradually become more familiar with laws, with sources of assistance, and you will become more effective at problem-solving and decision-making. But there are certain actions, other than reading this manual, you can take now to inform yourself:

- Attend board meetings between the time you are elected and the time your term begins.
- Obtain copies of minutes of the last few meetings, annual reports, school budgets and surveys.
- Make tours of the school buildings in the district or county to familiarize yourself with the administration, the teaching and

classified staffs, and the schools. You could ask the superintendent to arrange for you to visit classes of varying grade and ability levels to get a sense of the different needs and student/teacher relationships found in the classroom.

- Attend some of the workshops and training sessions provided by CSBA,[2] your County Office of Education, County School Boards Association, and others.
- Request help, if needed, from CSBA, your superintendent, the County Office of Education, or others. Ask to be added to the CSBA mailing list immediately.
- For future reference, carefully survey the list of documents that CSBA publishes on specific topic areas (Appendix A).
- Other sources of information are:

  California State Department of Education
  721 Capitol Mall
  Sacramento, CA 95814

  National School Boards Association[2]
  1055 Thomas Jefferson, N.W.
  Washington, D.C. 20007

[2]Information on both the California School Boards Association and the National School Boards Association is provided in Chapter 4.

Chapter

2

Exercising Authority Through Mandates

The educational system in America is unique among the nations of the world. In most countries education is national in scope and control, governed by professional educators or federal officials. But in the United States, education is primarily a function and responsibility of each of the individual states and is governed by 50 separate and distinct state school systems.

The Legislature

In California the educational system is governed by legislative policy enunciated in very specific detail in the Education Code.

The Governor

Besides having a veto right over all bills, it is in the budgetary arena that the Governor exercises much power and authority. For the last half-century, California has had an "executive budget" which allows the Governor, and, in turn, the Department of Finance, to carefully control the operation of state government. An important power of the governor over education is the "line item veto" which exposes parts of larger appropriations to the blue pencil.

The State Constitution

The Constitution of the State of California charges the legislature with the obligation of providing a program of free public education, but the concept of local responsibility and support is implicit. In Article IX, Sections 1 and 5, can be found the charge:

> A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the Legislature shall encourage by suitable means the promotion of intellectual, scientific, moral and agricultural improvement . . . The Legislature shall provide for a system of common schools by which a free school shall be kept up and supported in each district.

Under this mandate, more than 1000 school districts have been established in the state to serve specified geographical areas. Citizens within those communities retain direction of their schools through elected representatives on local governing boards.

School boards, therefore, exist as an extension of the Legislature to oversee the governing of the public schools at the local level. When you are elected to the board of education of a school district, you not only serve as a representative of the citizens in your community but also as an official agent of the state, discharging a state responsibility, sworn to uphold the state laws on education.

The Education Code

The scope of your legal responsibility and authority is determined by the Legislature and specified in various statutes relating to

education. These statutes are compiled in the Education Code.

California had operated under a mandatory Education Code rather than a permissive one, meaning that the decisions of the local board of education and the operation of school districts were confined to those limitations and mandates specifically stated in statutes. However, with the passage of AB 27 in 1974 this principle was changed and the Education Code now reads:

> *On and after January 1, 1976*, the governing board of any school district, including the governing board of any community college district, may initiate and carry on any program, activity, or may otherwise act in any manner which is not in conflict with or inconsistent with, or preempted by, any law and which is not in conflict with the purposes for which school districts are established. (Emphasis supplied.)

Title 5 Administrative Regulations

In addition to the Education Code, direction is also given to the local school districts by policies adopted by the State Board of Education which are contained in Title 5 of the Administrative Code. These include specific requirements which must be fulfilled at the local level.

While board members are not expected to learn all of the statutes and regulations governing the schools, they should become familiar with the Education Code and Title 5 Administrative Regulations. Experience helps a board member to become familiar with many of the legal demands. The superintendent and administrative staff are expected to know and to follow the legal requirements, keep the board informed, and make appropriate recommendations to the board for action. However, there will be numerous occasions when it will be necessary or advisable to seek legal counsel for interpretation and advice on the application of the law to a specific problem.

The Federal Government

The Tenth Amendment to the United States Constitution provides that responsibility for public education is given "to the States and to the people." Given this trust, each state has constructed its own provisions for public education. Notwithstanding this policy, however, the federal government has increased its role in the educational system of the nation, primarily as the result of the infusion of federal dollars into local education.

In 1979, the U.S. Congress approved President Carter's proposal to dismantle the Department of Health, Education and Welfare (HEW) in order to create a separate federal Department of Education, with a cabinet-level Secretary of Education. The creation of this department becomes effective upon the naming of the first Secretary.

Within this $14.2 billion department will reside responsibility for overseeing and administering 152 federal education programs previously handled by myriad federal departments and agencies. The 17,000 Department of Education employees will implement the following programs:

- Education Division, including elementary, secondary and postsecondary education programs and research activities
- Office for Civil Rights, education and vocational rehabilitation related activities
- Overseas Dependents' Schools
- Vocational Rehabilitation Program
- Migrant Education programs

Other Sources of Authority

There are a number of other governmental agents and agencies which, having been delegated rule-making powers, have a direct relationship with the local school district. Among these are:

State Agencies	*Federal Agencies*
State Department of Education	Department of Education
State Department of Finance	Department of Labor
Division of Architecture, Department of General Services	Department of Agriculture
County Superintendent of Schools	
County Counsel	
County Board of Supervisors	
Department of Transportation	
California Highway Patrol	
City Council (in cases of Charter City Districts)	
Attorney General and the Courts	
Public Employee Relations Board	

Other statutes affecting the public schools may be found in:

State Statutes	*Federal Statutes* such as
Government Code	Title IX
Elections Code	P.L. 94-142
Penal Code	*Court Decisions:* e.g. *Lau v. Nichols,*
Motor Vehicle Code	
Health and Safety Code	*Tinker v. Des Moines,*
Labor Code	*Serrano v. Priest,*
Welfare and Institutions Code	*Brown v. Topeka,* etc.

Chapter 3

The Structure Of Our Public School System

The Public School System in California, a system of common schools, free and accessible to all, is technically defined as those grades from Kindergarten through 14. Actually, the educational programs provided by the public schools cover a lifetime, spanning preschool age through adult years. The operation of the community colleges and their boards of trustees is separate and independent from that of the public schools conducting the K-12 program.

The state Legislature has delegated the educational responsibility of the public schools, K-12, to three major policy-making bodies: State Board of Education, County Board of Education and the local Board of Education.

State Level

State Superintendent of Public Instruction

The State Superintendent of Public Instruction is elected to a four-year term by the voters of the state at a general election held in November. He/she serves as the administrative officer to the State Board of Education and is director of the Department of Education. The position is nonpartisan and any registered voter of the state may seek election.

State Department of Education

The State Department of Education is the government agency responsible for administering the operation of the public schools at the state level. It is headquartered in Sacramento and its employees are responsible to the Superintendent of Public Instruction. The Department provides a wide variety of functions and services, covering all phases of school district operation. The Department collects data, disseminates information, approves and supervises special programs, evaluates the fiscal and educational management in the school districts, develops state guidelines, conducts education programs to train school district personnel and generally advises and assists the local districts in carrying out their functions.

County Level

County Office of Education

Each of the 58 counties in California has a county office of education and a county superintendent of schools. These offices are funded from four general sources: local property taxes, state apportionments, contracts with districts, and federal special projects.

Services

The services of the county office of education fall into five categories:

1. *Direct Services:* The office is required to provide direct services to the smaller districts including supervision of attendance, supervision of instruction, bookkeeping services, preparation of payroll and district budgets, health services, and pupil personnel and guidance services. The county office may provide these services to larger school districts under contract arrangements.
2. *Business Services.* The county office is required to approve district budgets, audit district expenditures, and monitor the financial condition of each district in the county. The office also provides a wide range of business advisory services.
3. *Coordination Services.* The office acts as liaison between local districts and the State Department of Education, by collecting and forwarding reports required by the State Department of Education, by interpreting new legislation for the districts, and by maintaining a register of credentials for all certificated school employees in the county. The office also coordinates the development of courses of study, guidance services, health services, school library services, audio-visual services, special education, and occupational educational activities for all districts in the county.
4. *Instructional Programs.* Many county offices provide specialized instructional programs for students, including schools and classes for students who are physically handicapped, mentally retarded, or educationally handicapped, and juvenile court schools. These offices also provide occupational guidance and training through regional occupational centers. They also provide outdoor education programs and county school library services.
5. *Contract Services.* Districts may contract for many services provided by the County Office of Education, including some of those listed above and data processing, television services, and audio-visual services.

The County Board of Education

County boards of education consist of either five or seven members. In most counties each board member represents a trustee area that frequently corresponds with the supervisorial district. Election is either by trustee area or county-wide. This means that in some counties only electors of a trustee area vote for the board member from that area. In other counties the board member from a trustee area is elected by the voters of the whole county.

When there is a vacancy on a county board, the vacancy is filled in one of two ways. If there are less than 12 months remaining in the term, the county board will fill the seat for the remainder of the term. If more than 12 months remain in the term, the county superintendent

will call a special election to fill the seat. Depending on the timing, this election may be consolidated with other elections.

The candidate must be a registered voter living within the area which he/she seeks to represent and must not be employed by the county office of education or any district in the county.

Primary Functions of the County Board of Education

The two primary functions of the county board are to

- Adopt rules and regulations governing the administration of the county office of education, including setting the superintendent's salary, and
- Adopt the annual budget for the county office.

The county board is also the governing board for county-operated Juvenile Court Schools and regional occupational programs and centers.

Another hat that the county board wears is as an appellant body which holds hearings and makes final decisions when a school district board decision is appealed on (1) student expulsion or (2) interdistrict attendance requests.

Additional responsibilities of the county board are as follows:

- Approves the standard list of school supplies for the county.
- Approves audio-visual aids before they are acquired for distribution to school districts.
- Approves the county superintendent's cooperating with school districts in the development of courses of study.
- May adopt a list of books for supplementary use in elementary districts within the county.
- Approves the employment by the county superintendent of personnel to provide for coordination of courses of study, guidance services, health services and other special activities.
- Grants temporary credentials and life certificates.

County Superintendent of Schools

In all but five counties, the county superintendent is elected for a four-year term. In four of the five other counties he/she is appointed by the county board; in the fifth, Los Angeles, the county superintendent is appointed by the Board of Supervisors.

A 1976 amendment to the state constitution requires all general law counties to hold an election for the purpose of determining whether the county superintendent should be elected or appointed. In all elections held to date, the electorate has overwhelmingly voted in favor of having an elected superintendent.

Role of the County Superintendent

For people familiar with school district board/superintendent

r lationships in which the board is mostly a policy-making body and the superintendent is the administrator, there is frequently confusion over the county superintendent/county board relationship. The roles of the county board and county superintendent are much different than those of district boards and superintendents. Since the office of the county superintendent of schools existed for more than 100 years before an elected board of education was created, many statutes assign functions directly to the county superintendent of schools. This is true, for example, of business services to districts, including budget approval and fiscal monitoring.

County Committee on School District Organization

The County Committee on School District Organization has the responsibility for studying school district organization within the county, and recommending changes in school district boundaries and/or organization, including unification. The law provides that the functions of the county committee may be carried out either by the county board of education or by a separate committee. In those counties having a committee, the members are elected at an annual meeting of representatives of all the school district governing boards in the county. If the county committee decides to study any area, it must notify the school districts involved of all meetings held on the subject and of any recommendations developed. Recommendations made by the county committee go to the State Board of Education or to the county supervisors or county board of education for action.

Local Level

Local Board of Education

Every school district shall be under the control of a board of trustees or a board of education (Education Code 35010 et seq). Boards shall consist of five members with two exceptions: (1) the board shall have seven members when a unification proposal specifies seven members or (2) the board shall have three members in elementary districts with less than 300 ADA, unless action has been taken to increase the number to five.

Board members are elected at large by voters of the district unless trustee areas have been created during unification. Terms of board members shall be four years, staggered so that as nearly as possible one-half of the members shall be elected in each odd-numbered year.

A non-voting student member shall be added to the board upon petition by a high school. The student member shall be selected by the students enrolled in the high school or high schools of the district.

Qualifications of Members

A candidate must be 18 years of age and must be a registered voter living within the district in which he hopes to serve.

A person wishing to declare candidacy must file proper forms with the county office of the registrar of voters.

Term of Office

As the result of legislation enacted in 1978, school district, community college district, library district, and county board of education elections formerly held in March of odd-numbered years are now held in November of such years at the same time as the Uniform District Election Law special district elections. The terms of office of board members up for reelection in 1979 and 1981 were extended on a one-time only basis to the last Friday in November, when their successors' terms of office will commence. Unaffected by the new law, however, were school and community college district elections controlled by city charters and those opting to use charter city dates under the authority of Education Code Sections 5006 and 5010 and those opting to use the general law city election date under the Education Code Section 5007.

Recall

Currently the threat of recall is frequently thrown at public officials for "not doing things our way." Although the threat of recall is a common occurrence, carrying out the threat is another matter. Although on the increase, recall elections are still infrequent.

The recall process is detailed for all elective offices in the Elections Code. It starts with a citizen or group filing a notice of intention; goes through signature gathering; and then to certification of petition, order for election, and election.

Filling Board Vacancies

When there is a vacancy on a local district governing board, the remaining board members may within 30 days make a provisional appointment or order an election to fill the seat. If a board fails to fill a seat within 30 days, the county superintendent will call an election to do so.

A provisional appointment provides registered voters a 30-day period to file a petition requesting an election. If the required number of signatures is secured, the county superintendent will order an election.

The following rules apply to appointed and elected members filling vacancies:

- Provisional appointees are not members of the board until the 30-day period expires.
- A person appointed to fill a vacancy holds office only until the next

regular scheduled election for governing board members.

- A person elected to fill a vacancy holds office for the remainder of the term.

Governing boards should have a written policy that establishes the process for filling vacancies. As part of that process, it should be noted that interviews of prospective appointees must be held in public and the voting by the board must also be done in a public meeting.

District Superintendent

One of the most critical responsibilities of a school board is selection of the superintendent.

The superintendent is the executive officer of the board and is frequently elected secretary of the board. The superintendent's responsibilities and relation to the local board are discussed in detail in Chapter 7, "Board-Superintendent Relations."

Legal Advisors

School boards and administrators need ready access to competent legal advice in order to properly exercise their responsibilities.

A school board may secure legal advice in several ways:

- *County counsel or district attorney.* County counsels from different counties provide free service in varying degrees — from none to total service. Some provide service above a basic amount for a fee.
- *Attorney in private practice.* Boards may contract with private counsel for whatever amount of legal service they want. A prerequisite is that they first seek the advisory views of the county counsel regarding the contract with the private attorney. An advantage of contracting for private counsel is that he/she is the board's employee.

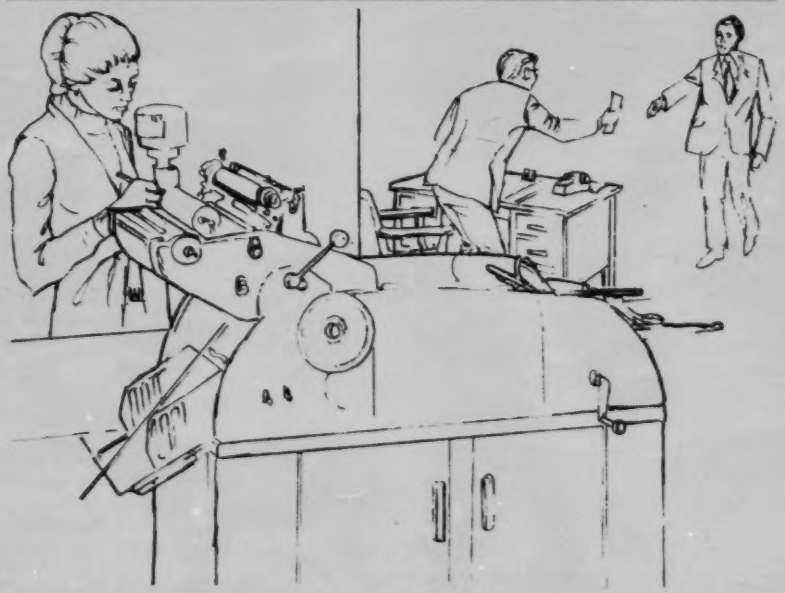
Types of School Districts

A definition of the various types of school districts is as follows:

- *Elementary:* maintains grades K-8 and occasionally K-6.
- *High School:* maintains grades 9-12 and under some circumstances 7 and 8.
- *Unified:* maintains grades K-12.
- *Union:* results when two or more districts of the same type in the same county join together.
- *Joint:* situated in more than one county.
- *Joint Union:* situated in two or more counties and composed of two or more districts.
- *City school district:* located wholly or partly within a city and county.

Chapter 4

State & National School Boards Associations



California School Boards Association

The California School Boards Association, which has been serving member boards since 1931, shares your desire for quality education for the children of your district and for all children in California. By providing a strong voice in the State Legislature, in public forums, and in joint meetings with other associations, your Association can help you see that the needs of children are met.

Association Purposes[1]

- To promote improvement of educational opportunities for the children of California.
- To promote and advance public education.
- To provide information to local school boards so that they can react appropriately to local, state, and national education concerns.
- To provide consulting services for local school boards, to promote greater efficiency in school districts, and to provide better understanding of the role of the school board member.
- To inform legislators and others of school district needs in relation to proposed legislative and regulative actions.
- To secure the concerted effort of local school boards in solving problems affecting school districts.

Overview of CSBA Structure

CSBA is governed by a Delegate Assembly elected by member boards. In addition, a 24-member Board of Directors represents 18 geographic regions plus community colleges, county boards of education, Black, Mexican-American and other ethnic group constituencies. This Board also includes the officers of the Association and any officer or director of the National School Boards Association residing in California.

CSBA policies are established and its program directed to member boards through resolutions submitted to the Delegate Assembly. The thrust of the Association comes from such resolutions and from recommendations to the Delegate Assembly from Association Task Forces assigned to achieve specific objectives.

CSBA is administered by an Executive Director, assisted by an executive and support staff responsible for executing the Association's programs in Legislation, Negotiations Services, Publications, Trustee Training, District Assistance (local boards/administration), Legal Services and Research.

Services to Member Boards

The Association publishes and distributes periodicals, assists in

[1] As defined by CSBA bylaws, goals and programs

the preparation of special handbooks,[2] model policies and procedural guidelines for use by member boards, plans and conducts workshops, seminars and regional conferences on boardsmanship and timely specialized topics. Professional services provided to local school districts include collective bargaining negotiations/consultation, contract review, board policy development and management consultation.

In addition to providing services and activities designed to improve the effectiveness of local school boards as policy-makers and managers for today's public education, the Association interacts with the California Legislature, high-level state executive agencies and officers, and with other major associations concerned with taxation, fund distribution, laws and educational objectives and processes. Similar interaction occurs with the national Congress, federal agencies, and the major nationwide education associations.

National School Boards Association

The National School Boards Association, headquartered in Washington, D.C., is a not-for-profit organization whose primary mission is the advancement of education through the unique American tradition of local citizen control. NSBA promotes the quality of education through services to state school boards associations and local school boards; by serving as liaison with other education organizations and governmental authorities; and by increasing school board impact on federal education laws and regulations, and in court cases relating to education.

Membership

Active members of NSBA are the 49 state boards associations, the Hawaii State Board of Education, plus the boards of education in the District of Columbia and the Virgin Islands. Nearly 1,250 local district school boards are NSBA Direct Affiliates.

NSBA represents about 95,000 of the nation's school board members who, in turn, represent more than 97 percent of all public school children in the U.S.

Activities

NSBA represents the interests of school boards before Congress; provides development programs for school board members; provides school district management services; and offers to the school board movement a variety of other services including the annual convention.

[2]A complete list of CSBA publications is given in Appendix A.

NSBA publishes two monthly magazines, *The American School Board Journal* and *The Executive Educator*.

Five Significant Groups

Three NSBA council-type groups and two forum groups play a significant role in the National School Boards Association:

- The Council of Urban Boards of Education focuses on serving the needs of school boards in the areas of urban affairs.
- The Council of School Attorneys addresses issues of school law.
- The Conference of School Board Negotiators serves those engaged in labor-management relations.
- The Forum of Federal Program Coordinators focuses on the administration of federally funded programs.
- The Large District Forum deals with the unique needs of major non-urban school districts.

Chapter 5

Board Meetings

The President Presides

The board president presides over meetings. Therefore, the president should have the skills needed to preside: knowledge of parliamentary procedure; willingness to allow those who have pertinent ideas to express them; and ability to keep discussions to the point. The president should vote on all issues and participate in the discussion as he/she sees fit.

The board president is elected at the annual organization meeting held on a day within the 15-day period that begins on the date upon which a board member elected at that election takes office (Education Code 35143). This will usually occur between December 1 and 15.

The Agenda

The board president should review the agenda with the superintendent prior to a board meeting. The agenda is prepared by the superintendent with input from the board president and other board members. Individual board members should inform the superintendent or board president of items they wish to have included. The agendas and supporting papers, consisting of factual data and reports, should be distributed to board members at least two to three days in advance of the meeting to provide proper time for study.

The agenda for regular meetings must be posted at a place where the public may view it at least 48 hours prior to the time of the regular meeting and, in the case of special meetings, at least 24 hours prior. Agendas must contain sufficient detail for the public to ascertain the nature of the business to be conducted (Education Code Section 35145). Complete agendas should also be sent to news media requesting them.

Open Meetings (The Brown Act)

The chapter in the Government Code commonly referred to as the Ralph M. Brown Act (Chapter 9, Division 2, Title 5) was enacted in 1953. The Legislature in enacting this legislation spelled out its intent clearly:

> . . .the public commissions, boards and councils and other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the Law that *their actions be taken openly and that their deliberation be conducted openly* (emphasis supplied).
>
> The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining

informed so that they retain control over the instruments that they have created.[1]

The Education Code requires school board meetings to be open to the public.[2] These code sections make it clear that school boards must conduct all deliberations and take action at open meetings unless the subject comes within the sections allowing boards to hold "executive" or closed sessions.

Executive Sessions

An executive, or closed, session is an exception to the open and public meeting requirement of the Brown Act. The Legislature saw fit to allow business to be conducted behind closed doors in certain instances. If a board has the right to meet in executive session, it may consider and act upon the matter. Although Section 54957, which generally permits executive sessions, speaks only of authorizing the board's *holding* executive sessions and *considering* such matters as personnel problems, a board may take action as well. In a 1971 decision, the California appellate court confirmed that the statutory language does not confine boards to deliberating in executive session.[3]

The following are the recognized exceptions to the open meeting requirement that allow for executive sessions:

- To consider the appointment, employment, or dismissal of a public employee, unless the employee requests a public hearing.[4]
- To hear complaints or charges brought against a public employee, unless such employee requests a public hearing.[5]
- To conduct certain activities within the collective bargaining process, such as:
  - — Any meeting and negotiating discussion between a public school employer and a recognized or certificated employee organization.
  - — Any meeting of a mediator with either party or both parties to the meeting and conferring process.
  - — Any hearing, meeting, or investigation conducted by a fact-finder or arbitrator.
  - — Any executive session of the public school employer or between the public school employer and its designated representative for the purpose of discussing its position regarding

[1]Government Code 54950.

[2]Education Code 35145

[3]*Lucas v. Armigo Joint Union High School District*, (1971) 18 Cal.App.3d988, 991-992, 96 Cal. Rptr. 431.

[4]Government Code 54957

[5]Ibid

any matter within the scope of representation and instructing its designated representatives.

In addition, for the above meetings, the notice requirements of the Education Code (48 hours for regular meetings and 24 hours for special meetings) do not apply pursuant to the Employer/Employee Relations Act.

- To consider matters affecting the national security.[6]
- To consider legal matters within the attorney/client privilege. This exception, though not expressed in the Brown Act, was found to be implied by the act by an appellate court.[7]
- To discuss with the Attorney General, District Attorney, sheriff, or chief of police, or their respective deputies, on matters posing a threat to the security of public buildings, public services or facilities.[8]
- To discuss with a state conciliator who has intervened as authorized by law. Again, this is an implied exception as is required due to the privileged character of a state conciliator's records.[9]
- To consider the suspension of, or disciplinary action or any other action including expulsion, in connection with any pupil of the district, if a public hearing would cause information to be divulged concerning pupils which would violate Education Code Sections 49073 or 49076. However, the pupil's parent or guardian may request that the hearing be public. Whether the meeting is open or closed, the final action taken must be at a public meeting and must be made a public record of the district (Education Code 35146, 48914).

In the CSBA publication, *The Board Meeting*, detailed information is presented on what constitutes a meeting, types of meetings, executive sessions, requirements for meeting notices and minutes of board meetings.

Mechanics of Meetings

The time and place for official meetings should be decided by the board at its organizational meeting normally held between December 1 and December 15. Regular meetings should be held at least once a month. If a regular meeting falls on a holiday, the board must reschedule the meeting for the next business day.

An adjourned meeting, actually a continuation of a regular

[6]Government Code 54957

[7]*Sacramento Newspaper Guild v. Sacramento County Board of Supervisors* (1968) 263 Cal.App.2nd 52, et seq.; 69 Cal. Rptr. 480.

[8]Government Code 54957

[9]51 Ops. Atty. Gen. 201, (1968).

meeting, can be scheduled by including in the minutes the time and place of the extra session. Special meetings may be called at the request of the presiding officer or a majority of the board. The only business that may be conducted at a special meeting is that which is posted in the notice of such a meeting.

The governing board shall act by majority vote of all of the membership constituting the governing board (Education Code 35164). Every official action taken by the governing board of every school district shall be affirmed by a formal vote of the members of the board. Remember it takes an affirmative vote by a majority of the membership constituting the board in order to take action. Governing boards are required to keep minutes of their meetings and maintain a journal of their proceedings in which every official act taken by the board is to be recorded (Education Code 35163).

Importance of Board Minutes

It is imperative to keep adequate board meeting minutes as they have the status of official legal documents. Courts frequently refer to them for policy on which to decide disputes. Minutes of the prior meeting should be distributed to the members of the board with the agenda for the next meeting. This practice provides members the opportunity to study the minutes carefully and to retain a copy for their personal files. It also makes it unnecessary to consume board time with an actual reading of the minutes.

The minutes must include a record of each board action. Lengthy discussions may be briefly summarized. Motions should appear in the minutes exactly as the board acted upon them. If the length of complete resolutions or documents makes them impractical for inclusion in the minutes, they should be identified through references, and it should be indicated that they are attached. In order to keep the minutes book from becoming too bulky, contracts, petitions, and lengthy resolutions may be briefly decribed and identified and placed in files for easy reference. A record of the names of those voting for and against each question should appear in the minutes unless action is unanimous.

After approval by board action, the official copy of the minutes should be signed by the clerk or secretary.

Public Participation in the Board Meeting

The Legislature, in enacting Section 35145.5 of the Education Code, stated that it was its intent that "members of the public be able to place matters directly related to school district business on the agenda of . . . governing board meetings." It was also the legislative intent that "members of the public be able to address the board regarding items on the agenda as such items are taken up."

The Legislature mandated that boards adopt reasonable regulations to ensure that this intent is carried out.

While the public can and should have a voice in board considerations, no person or group has the right to obstruct the deliberations of the board. The presiding officer of the board has the right to order the removal of individuals who willfully interrupt the meeting (Government Code 54957.9). If that is unfeasible and order cannot be restored, the board may order the meeting room cleared and continue in session.

Persons addressing the board should be required to state their names and adresses to the president. Many district policies provide the board president the prerogative to limit the time permitted any individual or faction to speak to an issue as protection against the occasional visitor who insists upon endlessly repeating a point of view.

Handling Complaints

No board of education or professional staff will ever be able to please everyone in the district. There will always be some complaints and criticism. Some will be justified; some will be based on a lack of information or misinformation and some will be "grandstanding." Criticism cannot be settled by being ignored. A procedure for handling complaints should be adopted as official board policy.

The channel for complaints and criticism on which action is requested should always be through the superintendent to (if necessary) the board. An individual board member has no legal right to promise action or correction. Rather than conduct his or her own investigation of a complaint, a board member should refer the matter to the superintendent for staff investigation, and ask for a report back to the board.

An individual who wishes to make a serious complaint or criticism should be requested to present it to the board as a written, signed statement and should be invited to have the matter made part of the agenda, and to appear before the board.

Board members often receive complaints directly from parents or staff members regarding incidents or conditions at individual schools. Complainants should be asked to contact the principal of the school if they have not done so. Often the problem can be handled at the school level without becoming a district or board problem.

Individual board members should inform the superintendent of complaints and criticism even though no action is requested. In turn, the board should be kept informed by the superintendent of such criticisms so that no pressure can erupt in the community before board members have knowledge of the facts in the matter.

Chapter 6

Policy Making — A Primary Responsibility

By far the most important function of the school board is the formation and adoption of sound educational policy. The policies that school boards adopt set the course of education in a community for years to come. How well this is done depends in large measure upon the wisdom and care with which policy decisions are made.

Why Have Written Policies?

First of all, the Education and Administrative Codes (Title 5) require it.

School boards which have developed policy statements and persons who have observed the results have found a great number of benefits. Some of the advantages of written policies are as follows:

- *Better board members:* policies assist each member to understand his/her proper role, and the board's objectives.
- *Better teamwork:* policies give more control for the board, more freedom for the administrator, better communications with the staff.
- *Better staff morale:* policies provide uniform and fair treatment.
- *Fewer decisions:* carefully considered, clearly written policies make many decisions automatic.
- *Earlier adjournments:* written policies save untold hours of time over the course of a year.
- *Flexibility:* policies serve as a framework and may be revised at any time the need indicates such action is desirable and/or necessary.
- *Continuity of operations:* written policies constitute a "memory system" assuring consistency.
- *Better public relations:* reporters and others understand and respect written policies as a guide.
- *Public confidence:* the community sees the board proceeding in an orderly, business-like manner.

What Are Policies, Regulations, and Bylaws?

A *policy* is a guide for discretionary action. It must be narrow enough to give clear guidance to the superintendent, but broad enough to allow use of discretion in meeting the circumstances of individual cases. Boards *adopt* policies.

A *regulation* (rule) is a specification of a required action. It tells exactly what is to be done, and usually tells who is to do it and when. Rule-making is the administrator's job. It's one of the methods the superintendent uses to carry out the governing board's intentions as expressed in governing board policies. Boards *approve* administrative regulations or rules.

A *bylaw* is a rule governing the board's internal operations. Good

bylaws build stability into governing board operations, and prevent the press of the moment from pushing the governing board into reactions it may later regret. Boards *adopt* bylaws.

What Should Policies Do?

When adopted, school board policies become statements which set forth the purposes and prescribe in general terms the organization and program of a school system. They create a framework within which the superintendent and his staff discharge their assigned duties. They tell what is wanted; they may also indicate why and how much.

Policies should not deal with detailed descriptions of the ways in which the purposes and objectives are to be accomplished. These specific directions — telling how, by whom, where, and when things are to be done — are administrative regulations. They apply policies to practice.

The distinction between policies and administrative rules or regulations need not imply that policies should deal only with abstract theory and philosophy. Policies should not become lofty pronouncements of high sounding purposes in no way connected to actual practice. At the same time they should not become hopelessly involved in a great mass of detailed directions and instructions.

Confusion as to what is policy and what constitutes administrative regulations grows out of a lack of clear understanding of the relationship of the school board and its superintendent. The school board is the final authority in the setting of policies. A board is functioning within its recognized sphere of activity when it determines if administrative regulations are consistent with its policies. It may even be advisable that it see a draft of regulations prior to the adoption of a policy. But a board should not attempt to deal with details that are a part of the administrative operation of the schools. Execution of school board policies through the detailed steps and procedures of school administration is the job of the school superintendent.

Role of the Board

Boards are required by law, by theory and by good practice to give a major portion of their effort to policy development and to see that adopted policies work effectively.

In its role of policymaker the board is operating in the field of education — a field that has engaged the attention of men and women from Socrates to Rousseau to Dewey to Montessori. Today, after generations of study, theories of teaching and learning are still being debated. Thus, policy-making for America's school systems

defies dogmatic and easy solutions.

Only the board as a body can make policy. The individual board members will have to persuade, compromise, balance and harmonize points of view. Board actions will have to adhere to law, obey court decisions, follow federal guidelines, and comply with contracts. Thus, policy-making is a slow and deliberate process.

Another factor to keep in mind is that the administrative and certificated staff employed by a school district is professional. The superintendent of schools is a professionally trained educator who is carrying out certain obligations prescribed by law, by professional associations and by professional and personal ethics. This is equally true of principals, teachers, department heads, and staff specialists. These individuals are dedicated to seeing that sound educational policies are followed for the benefit of the student.

Yet, the board is ultimately accountable for the success and failure of district policies. The voters and taxpayers who elected the board expect it to contribute common sense, a layman's point of view, and understanding of the people's needs.

Criteria and Procedure for Development

Board policies should be developed following these criteria:

- They should be based on, and be consistent with, the statutory or other legal authority of the district.
- All persons who may be interested in or affected by the subject matter of the policy should have an opportunity to comment on the policy or regulation before it is adopted.
- The procedure and timeline that will be followed should be specified.
- They should be based on a thorough and realistic evaluation of the factual, philosophic, and practical circumstances which they are designed to resolve.
- They should be clear and precise.
- They should present a complete scheme or statement.

The specific procedure to be used for the development and adoption of policies is up to each individual district, and can consist of whatever steps the governing board deems advisable.

The procedure to be followed for developing policies should itself be written and adopted as policy. This eliminates many of the challenges to new policies and regulations on procedural grounds and permits the board to concentrate on the substantive issues raised by the policy.

If the governing board decides to grant the power to adopt administrative regulations to the district superintendent, such a

delegation of authority must be clearly outlined in a board-adopted policy.

Criteria for Evaluation

The criteria for judging the effectiveness of written school board policies are as follows: Effective policies

- Provide the general authority and support for all programs and activities conducted by the school district.
- Provide for relative emphasis, allocation of resources, and quality of educational offerings.
- Are brief yet complete.
- Are stable despite personnel changes.
- Contain a minimum of direct quotations from the law.
- Involve certificated and classified employees, parents and students in their development.
- Reflect the needs of all segments of the community served by the district and reflect the district's goals.
- Contain adequate provision for review and amendment.

Assistance Available

Boards that want help in developing district policy may request it from the CSBA Policy Service. There are several options available to meet the needs of large and small districts: For districts with under 1500 ADA, special consortiums can be arranged; larger districts may want individualized service, and policy manuals can be customized to meet the district's specific needs. The Association also has a two-volume sample policy reference manual that is updated annually.

Also available to member districts is an extensive Policy Reference Library. Upon request, CSBA will send copies of policies adopted by other districts on particular topics.

Chapter 7

Board-Superintendent Relationships

Successful and harmonious management of a school district depends on board members and a superintendent who recognize their individual and collective responsibilities, and do not attempt to intrude on the legal and traditional provinces of the other.[1] New school board members should undertand that management of the program and direction of the staff are the responsibility of the superintendent, who is in turn responsible to the board for carrying out these duties. At the same time, superintendents must be careful to leave policy decisions to the board.

Conflict occurs when board members interfere with administration of schools and superintendents make policies which have not been cleared with the board. These situations should be scrupulously avoided.

Good communication between board members and the superintendent is essential to avoiding conflict.

A school board member has a right and a duty to disagree with other board members and the superintendent on matters of judgement. However, disagreement should be kept on a professional level, in a way which will not disrupt the functioning of the district and create adverse attitudes among staff. If such occur, a board should look into its procedures and conduct to see if future differences can be settled in a more harmonious manner.

Superintendent Responsibilities

The general responsibilities of a superintendent can be summarized as follows:

- Assumes charge of the entire school system as the board's chief executive officer; coordinates the work of all departments; executes the policies of the board and recommends policies for the board to consider in improving the system and its educational service to the pupils and the community.
- Nominates all certificated and noncertificated employees; recommends for discharge any employees rendering unsatisfactory service within the limits of the law and board regulations; with his staff, assigns, directs and supervises the work of all employees with due respect for any individual rights involved; proposes adequate salary scales for different classes of employees.
- Keeps board members informed with background material necessary for making the best possible decisions.
- With his/her staff, purchase board-approved textbooks and other instructional guides and equipment; schedules classes for

[1]Articles on the role of each, written by a board president and her board's superintendent, appear in the October/November 1979 *California School Boards* journal.

the various types of training; assigns appropriate instructors for the various curriculum offerings; decides the general methods of instruction to be used; provides for the continuous revision of courses of study to meet changing conditions by appointing teacher and possibly citizen course-of-study committees and directing the work of any curriculum experts the system may employ.

- Presents an annual budget in keeping with board goals and policies and interprets it for the board; administers the budget after it is adopted and keeps expenditures within limits; provides for all possible economies that do not endanger educational results; directs the accounting of all school funds and makes proper financial reports to the board.
- Coordinates the planning of all educational features of new buildings or alterations of old buildings and counsels the architects in the general plans for such building erection; assigns caretakers to all buildings and maintains general supervision over their work; provides for needed experimentation in determining economical and otherwise efficient methods for building care and upkeep.
- Administers all schools and classes established by board action; directs the instruction, guidance, and discipline of all pupils; promotes organizations, such as student councils, for training pupils in democratic and socially adjusted living.
- Coordinates a program for reaching the citizens of the community with adequate information about the activities of the schools, the reasons for the activities, and the results obtained; interprets the school policies in talks before civic groups when called upon as time permits; works with parents' organizations and other groups interested especially in school welfare; fits himself/herself into the civic and social life of the community in a constructive way.

Many of the duties of the superintendent can, of course, be delegated to members of the administrative staff or others. The superintendent, however, is still the person accountable to the board of education for carrying out its policies or instructions. A thorough delineation of the division of responsibilities between the board of education and the superintendent is described in the CSBA publication *Board/Superintendent Responsibilities*.

Supporting Your Superintendent

By the time an administrator has gained an understanding of the complexities of a community and its schools, the board has made a substantial investment in that administrator's experience. A board cannot change its superintendent without usually suffering at least

some temporary loss of efficiency.

Occasionally pressures develop within the school system or within the community that make it difficult for a superintendent to function effectively. Often these pressures will intensify when a new board is elected. Public controversy is part of the democratic process and cannot be avoided. It is up to the board to choose a wise course for handling it so that the educational process is not seriously disrupted. Complaints and criticism should be carefully investigated to assure the superintendent of timely information with which to guide actions. Superintendents should be protected from unjust criticism, including the efforts of articulate factions to bring about his/her immediate removal.

Often multi-year contracts are offered to superintendents to provide for stability and continuity of leadership and are renewed annually by the board as an indication of support and respect for the job the superintendent is doing. Just as important as the long-term contract is the climate of mutual respect and trust that should exist between the board and the superintendent. Confidence and appreciation should not be withheld from a satisfactory superintendent, for these normal by-products of a satisfactory relationship are often more important than any others in keeping a good person in a difficult job.

Evaluating Your Superintendent

After employing a superintendent, a board shares in the responsibility for that person's success. To do your share, you should make an effort to know more about your superintendent, to help her/him work effectively and to maintain a harmonious working atmosphere.

To develop and maintain this kind of relationship a periodic review of the superintendent's reponsibilities and a frank discussion of the superintendent's performance are necessary. Such evaluation is not only good personnel practice — it's legally required under Education Code Sections 44600-44664, 44932 et seg. (The Stull Bill).

The evaluation should be based upon the view and expectations of the board as expressed in the goals and objectives of the school district and as set forth in the superintendent's job description.

Purposes of an Evaluation

Evaluation is a valuable tool in establishing and carrying out the goals of any operation. Among the purposes of evaluating the superintendent are the following:

- To maintain good working relationships between the board and superintendent.
- To review the functions and responsibilities of the superintendent.

- To improve performance by suggesting areas of responsibility and operating techniques that may be strengthened.
- To review the effect of the superintendent on scholastic achievement in the district.
- To give encouragement and commendation for work well done, and to bring out any dissatisfaction on the part of the board.
- To offer a guide for the superintendent's self-appraisal of his own characteristics and skills.
- To provide an opportunity for the board and superintendent to confer at periodic intervals on his/her performance.
- To offer a procedure for comprehensive and dispassionate appraisal in a setting other than during times of crisis.
- To establish standards for continued employment.

Guidelines for aiding your evaluation of the superintendent may be obtained from CSBA.

Dismissal of Superintendent

If the school board begins to seriously question the professional leadership qualities of the superintendent, it is time for forthright talks between the board and its chief executive officer. These talks should be the first step toward corrective action as well as a better understanding of the nature of the problem. In some instances, the board may find the performance of the superintendent over the period of his/her contract to be unsatisfactory. If this occurs, the superintendent should be informed and his resignation should be requested. Legal counsel should be sought by the board in order to protect the interest of the school district. It is required by law that six months notice be given to a superintendent prior to the end of his/her contract if that person is not to be rehired. If the six-months notice is not given, the contract will be renewed automatically for another year. Usually a superintendent, alerted to the dissatisfaction of the board, will find another position and will resign before she/he is dismissed or denied a contract extension. Refer to Education Code Section 35031 for legal details concerning contract termination.

Retirement of the Superintendent

A clearly stated policy regarding retirement should be established well in advance of the time it is needed. If departure from the policy is subsequently authorized, it should be clearly identified as an exception and strictly limited as to time. The least disruption of a school and community occurs when a superintendent resigns after training and working with the successor. When this is not possible, the board needs to be particularly specific in identifying the qualities required in the successor.

Selection of a New Superintendent

In the selection of a superintendent, it is important that the board seeks the most competent individual available to administer the schools and to give leadership in development and improvement of the educational program. Careful preparation, definition of orderly and effective procedures, conformity with ethical practices, judgment and adequate financing are critical in recruiting and selecting a new executive officer. The decision will obviously affect the entire educational program of the district, and the board may wish to consult with staff, parents and other citizens as to the qualities which should be sought.

The employment of a superintendent means more than hiring the services of a professionally qualified person. It also means acquiring that person's philosophy, set of values, system of practices, and approach to public education. School boards should be willing to invest much time and effort in the search for an educational leader. Many boards seek the assistance of CSBA or other consultants.

Board members faced with the selection of a new superintendent may also wish to review the material outlined in the publication *Recruiting and Selecting a New Superintendent*, published jointly by the California School Boards Association and the Association of California School Administrators.

CSBA's Field Service Division will provide boards with information regarding the superintendent selection process (included as a membership service) and upon request will serve as the board's advisor in the selection process (fee service).

The Management Team and Participatory Management

The management team is composed of district personnel who, through an administrative procedure approved by the board, meet with the superintendent and develop, through a group decision process, an advisory position or policy to be recommended to the board.

Under Chapter 10.7 of the Government Code, school boards have the authority (subject to review of PERB) to designate management positions.[1] Positions are excluded from the collective bargaining process established for other employees. Employees who exercise supervisory authority over other employees and are not designated as management personnel may form supervisorial bargaining units.

It is easy to designate management personnel who will participate in policy development and who will administer significant aspects of the school program, but it takes hard work and a lot of local planning

[1]Boards should tailor job descriptions for management team personnel to fit the requirements of the law.

to create an effective management team.

In quick outlines these are some of the first things completed by most California districts in forming their Management Teams:

- The board directs the superintendent to develop a model work draft of a proposed management team structure for the district. The superintendent's proposed structure covers the following items:
  - Proposed designation of the management team personnel by district positions.
  - Job descriptions and other criteria upon which the designations have been made. Criteria should clearly show that designated management personnel hold positions that have significant responsibility for the formulation or administration of district programs.
  - What the structure of the management team will be.
  - The responsibility and authority of the management team structure.
  - The role of individual members of the management team as to how they represent the board on matters relating to employer and employee relations such as, district negotiations with recognized units, development of management proposals and counter proposals, review of employee unit proposals and contract management and processing of contract grievances.
  - A procedure for board consideration as to how the members of the management team and confidential employees will represent themselves to the board on their own employment relations within the district and the benefits they will receive for their services.
- Some employment policies for management personnel that need to be considered are: salary, health and life insurance, leave, travel expense, inservice and professional growth, termination from service, hiring, promotional, and others that may be brought up for mutual consideration.

CSBA Field Service staff are available to help member districts in the development of management teams.

Chapter 8

Staff Relations

Employment of Staff

Only the board has the legal authority to contract with employees. The superintendent with assistance from other members of the administrative staff recommends candidates to the board for teaching and other positions in the school system. The board may accept or reject any of the superintendent's recommendations. If rejected, the board should then request the superintendent to submit new recommendations. Rejection should not result in independent initiation on the part of the board or one of its members to propose candidates, or in the appointment of a person who has not been given prior approval by the superintendent.

The board should adopt as policy the job specifications for each position, which must be in conformance with the standards set by law.

Education Code Standards for Staff

Although it is the responsibility of the local school board to hire qualified personnel for the school district, state law requires certain standards which must be met. Part 25, Division 2, Title 2 of the Education Code delineates all the provisions applying to employees in "education positions" or "positions requiring certification qualifications."

- *Administrators*

The school board has authority under Section 35026 of the Education Code to employ a district superintendent for one or more schools if the district employs eight or more teachers. If the district has an ADA of 1500 or more pupils, the board may employ such deputy, associate, and assistant district superintendents as deemed necessary.

The Administrative Services Credential permits the holder to serve in the capacity of superintendent or associate, assistant, and/or deputy superintendent or in any equivalent or intermediate level administrative position including principal of a school.

A 1970 credentialing law enables school boards to waive the credential requirement for superintendent. Education Code Section 35029 notes the waiver and states, "Any individual serving as the chief administrative officer of a school district who does not hold a credential may be required by the local governing board to pursue a program of inservice training."

Administrative officers — such as business manager, supervisors of buildings and grounds, and directors of facilities — may be either certificated or noncertificated employees.

Administrators do not gain tenure as administrators. They may, however, gain tenure as a teacher under the provisions of the tenure

law. Administrative positions are generally on a contract basis.

• *Teachers and Other Certificated Employees*

All teachers must hold valid credentials as outlined in the Education Code. Application for credentials may be made to the State Department of Education with a subsequent evaluation of the type of credential to be issued.

Teachers are employed by the school board and must be notified prior to March 15 if, for some reason, they are not to be employed for the following school year. If by June 10 the board serves upon a permanent employee both a copy of the Education Code Section 44842 and a request for notice of his/her intention to remain or not remain in the employment of the school district for the following year, the employee must notify the board by July 1 of his/her intention.

Teachers may be classified into one of four categories: permanent, probationary, substitute, or temporary:

Permanent teachers are those who are employed in a district having an ADA of 250 or more, who have been employed for three consecutive school years in a probationary position and have been reelected for the succeeding year. In districts of less than 250 ADA, an employee, after having been employed by the district for three complete consecutive school years in a position requiring certification for the following year, may be classified as a permanent employee. If the classification is not made, the employee shall not attain permanent status. (Education Code Section 44885) In districts with 60,000 or more ADA, tenure can be granted after an employee has served two consecutive years.

Probationary teachers are those who have a contract for the school year and are not classified as either permanent, substitute or temporary.

Substitute teachers are persons actually employed to fill positions of regularly employed teachers absent from service.

A **temporary teacher** is employed for a complete school year but not less than one semester during a school year to temporarily replace a regular certificated employee who has been granted a leave for a semester or year, or is experiencing long-term illness. Any person employed for one complete school year as a temporary employee shall, if reemployed for the following school year, be classified as a probationary employee.

• *Classified Employees*

An important segment of the school staff is composed of personnel who keep the school in operation through handling clerical, custodial and maintenance duties. Board members would be wise to

discuss school plant operations with such personnel in addition to visiting classrooms to observe teaching personnel. Job descriptions for classified personnel should be adopted by the board so that a clear understanding exists between the parties relating to work requirements.

Affirmative Action In Employment

Districts should have a policy stating that the board will provide equal employment opportunities without regard to race, color, creed, sex, religion, ancestry, national origin, age, or non-job-related physical disability.

Most districts are also required to establish an affirmative action plan to demonstrate the district's effort to include in its work force all groups comprising the community served by the district.

Wages and Working Conditions — The Rodda Act[1]

Before passage of the Rodda Act in 1975,[2] California's public school employers were still "meeting and conferring" in an attempt to reach agreement with their employees over wages and working conditions. There were no "exclusive representatives" to confer on behalf of those employees — only "Certificated Employee Councils" in the case of teaching staff and a variety of classified employee organizations. "Unit determination" and "unfair labor practice" were nonexistent in educational employment relations, as was a neutral body to administer the governing labor relations law. Any enforcement of that former law — commonly called the Winton Act — came from the courts in lengthy legal proceedings.

All that changed with the enactment of the Educational Employment Relations Act (EERA). No longer would employers meet with Certificated Employee Councils and hear competing proposals from competing employee groups. No longer would the parties make charges of "unfair" conduct without an administrative procedure to determine their validity. The new statute, known as the Rodda Act or SB 160, prohibited certain acts as "unfair labor practices" and set up a method for enforcement. It also borrowed the private sector concept of "exclusive representation," where a single employee organization bargains for each group of employees having a common interest in wages and working conditions.

But probably the most far-reaching provision was that which created an independent state agency, the Educational Employment Relations Board (EERB), to administer the infant law.

[1]A glossary of employment relations terms is given in Appendix C.
[2]Chapter 10.7, Government Code.

• *Appropriate Bargaining Units*

In its early days, the EERB (now the Public Employment Relations Board or "PERB") was charged with devising regulations to promptly implement the Act's representation provisions, so that they could go into effect in April of 1976. Hundreds of bargaining units were carved out by the parties themselves so that the first round of negotiations could begin. But employer-employee agreement on unit composition was not always the case. In April and May of 1976, more than 400 unit disputes went to the EERB for resolution. The parties had difficulty agreeing on whether a unit of classified employees should include *all* the classified workers of a district, or should be split into separate units. Just as touchy was the issue of whether certificated sub-groups belonged in the same unit with regular instructional staff. It was up to the EERB to decide what is an "appropriate" bargaining unit.

• *Mediation and Fact Finding*

Still another duty of the board was to appoint third-party neutrals, called "mediators," to assist the parties when they reached an impasse in negotiations. When disagreements became so strong that further bargaining was futile, a mediator would be sent to the district to try to facilitate settlement. If that failed, the next step sould be "factfinding," where a panel of three persons — two representatives from each organization and a neutral party to serve as chairperson — would make recommendations on how the dispute should be resolved. The non-binding recommendations would be submitted first to the parties and then made public. If there still wasn't agreement, the parties could return to mediation.

• *Unfair Labor Practices*

This three-step process was intended to resolve wage and working condition disputes without resorting to traditional private sector bargaining weapons — strikes and lockouts which could seriously damage the schools. Other provisions of the law were intended to stop certain kinds of unfair conduct on the part of both school employers and employee groups.

Beginning in July of 1976, the parties could file charges with EERB alleging that an illegal act had been committed. Among the illegal acts specified for employers were the denial of rights guaranteed to employees under the Rodda Act and domination or interference with an employee organization. Employee groups were barred from causing or attempting to cause an employer to commit an unfair labor practice. Where an exclusive representative had been chosen, both parties were ordered to meet and negotiate in good

faith. Both were prohibited from restraining or discriminating against employees because of their SB 160 rights, and from failing to participate in good faith in the Act's impasse procedures. If an employer or employee group was not fulfilling its SB 160 obligations, the other party could file an unfair labor practice charge with EERB. The board could then issue a "cease and desist" order if it determined that an unlawful act had actually been committed.

The board had declined to take an "investigatory" approach toward unfair labor practices, instead reviewing such cases only where a charge had been filed by one of the affected parties.

- *EERA Becomes PERB*

Then, in 1977, the functions of the EERB expanded with the passage of SB 839 and AB 1091, which added state and higher education employees to its jurisdiction.

- *PERB Changes Tactics*

For years, the PERB had allowed employers and employee groups to enter into whatever bargaining units they felt were appropriate, rather than mandating use of the units it had outlined in its precedential decisions. But, in *Centinela Valley* (PERB Decision No. 62), the board announced that it no longer would automatically honor stipulations between the parties; from then on, whenever the PERB had jurisdiction in a representation case, it would examine any stipulated units to see whether they conformed with PERB policy.

The board's new emphasis on seeking out so-called "inappropriate" units has raised concern among those who feel employment relations decisions can best be made at the local level. Moreover, some employers and employees worry that the unit investigations will take time away from the board's already heavy caseload.

Some observers feel that the problem will get worse before it gets better. In 1978, the Legislature again greatly expanded the PERB's jurisdiction when a bill for faculty and support staff of the state's public colleges and universities became law. The board has been immersed in drafting HEERA rules and regulations, determining appropriate units for state employees, and attacking its backlog of EERA cases.

- *Recent PERB Decisions — Diminishing Management Rights*

The board has issued several decisions which rely on precedent from the private sector and may have devastating results for public school managment. One of the most alarming was *Jefferson/Palo Alto* (PERB Decision No. 84), which held that a unit of substitute teachers is appropriate for bargaining. This ruling came down despite concerns that the composition of a constantly changing unit

of substitutes would be almost impossible to monitor. Moreover, a substitutes' unit could severely impair a district's efforts to "keep the schools open" in the event of a walkout, since the same employee organization could be chosen to represent both the day-to-day workers and their full-time counterparts.

Employer concerns also extend to the *Jefferson-Healdsburg-Davis* line of decisions, where PERB hearing officers opened the door to a wide expansion in the scope of bargaining. While the rulings are not precedential, they would have statewide impact if affirmed by the PERB itself. Such a ruling would have the effect of making nearly any item bargainable and is not clearly an educational policy matter. Under the *Jefferson* decision, items like non-discrimination, the handling of public complaints against teachers, the procedures for partnership teaching, the dates of the school year and certain hiring policies would all be mandatory for negotiations. Classified negotiations under *Healdsburg* would include hiring, promotions, classifications, disciplinary policies, subcontracting, layoffs, reemployment and employee expenses and materials.

This threatened expansion of the scope of bargaining is especially disconcerting to school management in light of the original intent behind SB 160.

- *AB 676 Expands Scope*

That intent also may be undermined by AB 676, which became law in late 1977. The measure quickly made its way through the Legislature under the guise of affecting only the Los Angeles Unified School District (LAUSD). It was not until 1978 that its true impact was known: the bill actually widened the Rodda Act's scope for every school district in the state. The issue of "reassignment" was made a mandatory subject for bargaining just at the time when school districts needed maximum staffing discretion to cope with tne revenue reductions from Proposition 13.

- *CSBA Reconsiders SB 160*

The advent of Proposition 13, along with AB 676 and the *Jefferson-Healdsburg* decisions, have caused employers to take a second look at SB 160 and whether it's working. In 1977, CSBA's Delegate Assembly took the position that alternatives to collective bargaining should be considered. One reason was the impact of mandatory negotiations on districts with staffs as small as two or three employees. Another was that the Act had failed to reduce the number of school strikes. Of some 20 work stoppages in the first year of SB 160, not one took place after the statutory impasse procedures had been exhausted.

With that in mind, the Delegate Assembly of CSBA
- Urged that steps be taken to maintain that strikes and similar activities are illegal.
- Opposed any expansion in the scope of bargaining.
- Recommended class size and reassignment policies should be removed as mandatory subjects for negotiations.
- Encouraged school boards to retain decision-making authority and promote free choice by rejecting employee proposals for binding arbitration and agency shop.

• *Further Help Available*

It is not possible in a summary document such as *Boardsmanship* to give a complete summary of the employer-employee relations laws in California. It is CSBA's advice to board members to:
- Avoid if possible getting personally involved at the negotiations table or in direct discussions with employee organizational leaders.
- Build a strong management team in your district to represent your point of view and positions.
- Keep contract limited in content to the scope items authorized in Chapter 10.7, Section 3543.2, of the Government Code.
- Have careful staff or legal review of contract language prior to final adoption.

Call on your CSBA staff. We can provide negotiations information and publications, legal assistance, bargaining assistance and a board policy development service.

Merit System

The most rapidly growing single system of employment for classified employees in California is the merit system. Essentially, the merit system is a civil service type program authorized under the Education Code beginning with Section 45220. Local districts having over 3000 ADA must adopt the merit system if a majority of the classified employees vote in favor of having such a plan.

The code provides that a personnel commission be established to implement the merit system. This commission is unique in that only one member of the commission is appointed by the governing board of the school district with two members being appointed by state officials. Provisions of the merit system require the personnel commission to conduct salary surveys and to recommend salary schedules which will provide for like pay for like work. It also implies that school district employee wages must be competitive with like positions in the surrounding community.

The power to establish procedures to be followed in classified

service is vested in the commission, but the power of substantive action and execution is vested in the board of education. The personnel commission is vested only with those powers specifically assigned to it in the merit system section of the code and all other powers pertaining to the operation of the local school district are the prerogative of the school board, in conformance with the board's collective bargaining obligations under the Rodda Act.

Evaluation of Certificated Employees (Stull Bill)

Based on the public's demand for accountability in the public school system, boards have the responsibility to see that the district staff are adequately evaluated on a periodic basis.

Education Code Sections 44660-44664, 44932, et seq, mandate performance evaluation of all certificated employees, both tenured and probationary. Both instructional and non-instructional duties are included in the scope of evaluation for the purpose of improving student progress and personnel effectiveness. Specific evaluation and assessment guidelines for teachers and other certificated employees adopted by the school board must include:

- Establishment of standards of expected student progress at each grade level in each area of study.
- Techniques for the assessment of that progress.
- Assessment of certificated personnel competence as it relates to established standards.
- Assessment of other duties normally required to be performed by certificated employees in addition to their regular assignments.
- Establishment of procedures and techniques for ascertaining that the certificated employee is maintaining proper classroom control and is preserving a suitable learning environment.

The evaluation must be in writing and transmitted to the certificated employee 60 days before the end of the school year in which the evaluation takes place. According to law, probationary certificated employees shall be evaluated at least once each year and permanent certificated employees at least once every two years.

School administrators at all levels, up to and including the superintendent, must also be evaluated. The evaluation and assessment guidelines applicable to school administrators can assume important significance in cases involving transfers or demotion.

Evaluation and assessment guidelines for certificated personnel must include adequate provision for followup counseling. If followup counseling is to be accomplished adequately, the evaluation process must begin at the start of each school term. The importance of promptness in initiating the evaluation process early in the school term is particularly crucial in the case of probationary teachers

because they must be notified no later than March 15 if their services are not required for the ensuing year.

The procedures used to evaluate certificated employees (and classified as well) are subject to negotiations under the Rodda Act.

Dismissal of Certificated Employees

A permanent teacher may be dismissed for cause, because of a decrease in pupil enrollment, or because the particular service for which the employee was engaged is abandoned. Boards seeking to dismiss permanent teachers should obtain legal counsel. Causes which provide grounds for dismissal include immoral conduct or repeated unprofessional behavior; dishonesty; incompetency[3]; unfitness for service; persistent violation of or refusal to obey the school laws of the state or reasonable regulations; conviction of a felony or any crime involving moral turpitude, and membership in the Communist Party or other organizations advocating subversive activities.

The governing board may give notice to the permanent employee of its intention to dismiss the employee at the expiration of 30 days upon the filing of written charges stating that there exists cause for dismissal. Any written statement of charges of unprofessional conduct or incompetency shall specify instances of behavior and the acts or omissions constituting the charge so that the teacher will be able to prepare his/her defense.

If the employee does not demand a hearing by filing a written request for one with the governing board, he/she may be dismissed at the expiration of the 30-day period. In the event a hearing is requested by the employee, the hearing shall be commenced within 60 days from the date of the employee's request.

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[3] Review *Stull Act* provisions for deadlines and Competency Panel appointment criteria

Chapter 9

Instructional Program — Meeting Student Needs

The ultimate quality of the instructional program in a school district is the direct responsibility of the governing board. As a member of that board, you are a trustee of not only the taxpayers' dollar — but also a trustee of the education of the children and adults in your community.

Board members bring to their task an intense desire to affect the education of students in a positive way. Meeting agendas, however, are often crowded with other vital issues: finance, facilities, collective bargaining, to name a few. Critical as these issues may be, none have the importance beyond the board's responsibility for the planning, implementation, and evaluation of the district's instructional program.

Legal Requirements

There are a number of state laws and regulations that require a governing board to pay close attention to curriculum. For example, Education Code sections:

> 51040. The governing board of every school district shall prepare and shall keep on file for public inspection the courses of study prescribed for the schools under its jurisdiction.
>
> 51041. The governing board of every school district shall evaluate its educational program, and shall make such revisions as it deems necessary. Any revised educational program shall conform to the requirements of this division.
>
> 51050. The governing board of every school district shall enforce in its schools the courses of study and the use of textbooks and other instructional materials prescribed and adopted by the proper authority.
>
> 51201. In addition to the course of study requirements set forth in this chapter, the governing board of any school district may include in the curriculum of any school such additional courses of study, courses, subject, or activities which it deems fit the needs of the pupils enrolled therein.

There are several state and federal laws which have a strong bearing on a board's relation to curriculum. What about programs for handicapped children? Public Law 94-142 (1975) and AB-1250 (1977) will have far-reaching effects on education. Here are two code sections in current law that pertain to special education.

> Section 51501 of the Education Code reads: The governing board of any school district with more than 8,000 pupils in average daily attendance shall prescribe and enforce in the schools a course of study for mentally retarded pupils as defined in Sections 56501 and 56515.
>
> Section 51502 deals with county boards: Each county board of education shall prescribe and enforce a county course of study for mentally

retarded pupils as defined in Sections 56501 and 56515. Such county courses of study shall be used in special education programs for mentally retarded pupils conducted by the county superintendent of schools and in school districts with an average daily attendance of 8,000 or less.

The school boards in California obviously are heavily involved in curriculum.

Philosophy: The First Step

Clarifying and defining your own philosophy of education is a first step in making wise decisions on instruction and curriculum. Working together, board and superintendent must progress beyond educational cliches and confront the dilemmas inherent in choosing among program alternatives. A statement of philosophy tailored for your district and students provides the touchstone on which to test the goals and objectives of the instructional program.

Model Policy for Curriculum Planning[1]

School board members are chosen by the electorate and become the community's representatives to the educational decision-making process. They are charged with responsibility for creating policy and allocating resources to educate the district's children and youth. These tasks must be accomplished under the laws of the State of California and within the district's financial resources.

Board members continually seek to improve their knowledge of curriculum and learning principles through an organized program of reading; discussions with students, community members, and professional staff; attendance at conferences and workshops; and classroom visitations.

In concert with the district superintendent and the instructional staff, the board identifies the community's desires and needs for its students and translates them into a statement of philosophy and a list of goals. The district's philosophy and goals become the touchstone of the educational program.

The board, being aware that specific educational techniques are the responsibility of a well-trained professional staff, sees its major responsibilities as making provisions for instructional leadership, equipment, and materials of instruction, and taking such other facilitating actions as may be required and can be afforded to meet the needs of the students and thus, to achieve the goals of the community.

It is a professional staff reponsibility to consolidate curriculum plans generated at site council, local school, and district levels and to coordinate the efforts being made at these and other levels with

[1]Developed by the California Curriculum Alliance

county, state, and federal legislative efforts to effect educational change. As part of this responsibility the professional staff establishes procedures for gathering data concerning appropriateness of the existing curriculum and effectiveness of the existing program. These data are reviewed periodically by the board and staff as they evaluate district programs and monitor student progress toward the achievement of district goals.

Curriculum Planning Guidelines

The board and superintendent are responsible for facilitating the development of general guidelines for the curriculum planning process. In addition to their use by the professional staff, these guidelines are tools for the board and community to use in reviewing individual programs as the programs progress from conception to planning, implementation, evaluation, and revision. The following elements are included in the curriculum planning guidelines.

The district establishes a calendar covering a six-year period for the evaluation and revision of curriculum for all subject matter areas. The calendar coordinates with the State Framework development and textbook adoption timelines. The calendar consists of:

- District philosophy and goals review.
- Needs assessment and curriculum review, using the district's philosophy (goals and objectives).
- Development of plans to meet identified needs.
- Adoption and implementation of the resulting programs.
- Evaluation of the program's effectiveness.

The process is continuous and cyclic. Over a period of years, all subject areas go through the cycle. This allows for evolution and change in curriculum to meet the emerging needs of students and society.

When adopting the budget each year, the board considers the district's instructional program needs and provides necessary funds for curriculum planning, program implementation, evaluation, and staff development. Adequate provision for released time is also a part of the budget consideration.

All persons affected by curriculum design are in some way represented in the planning process. Teachers, administrators, students, and parents normally participate in the process. Consultants and subject matter specialists participate as needed.

Articulation between instructional levels is part of the ongoing planning process, as are assessment of staff development needs and establishment of provisions for meeting such needs.

Knowledge of California Education Code sections is essential to ensure compliance with mandated program requirements and to

ensure that parameters for options are understood.

The board is aware that consideration of how children learn is an essential element in all curriculum planning. The board encourages and provides assistance to the professional staff in developing a statement of principles about how children learn. These principles become an integral part of the district's curriculum planning process.

An appropriate combination and balance needs to be maintained in the instructional methods, the language process, and the content of the total educational program. A balance of content in the students' total educational program includes courses in the social sciences and humanities, in mathematics and science, and in the practical and fine arts.

A balance of instructional methods is a part of all classroom experiences, kindergarten through grade twelve. These methods include individual work/study, small group interaction, and whole class experiences. The exclusive use of one instructional method is considered educationally unsound.

A balance of language processes is a part of classroom instruction in all areas. Speaking, listening, reading, writing, seeing, and touching are processes used in all classrooms. Research confirms that nonverbal as well as verbal processes sharpen and enrich reading and writing skills.

What Is Your Curriculum Quotient?

- Does your district have a different philosophy and statement of goals? Who participated in the development of the philosophy and goals?
- Has your board emphasized its commitment to curriculum development by developing policy in this area?
- Does the school community know of your interest in curriculum?
- How does the work of site councils fit into your district's curriculum planning?
- Are presentations about district educational programs made at board meetings?
- Is information about your district's curriculum and instructional programs readily available to you?
- Are you increasing your knowledge of the curriculum planning process? Teaching methods? Different theories of how children learn?
- Do you visit classes in your district? How often?
- Do you attend workshops and conferences on classroom learning?
- Does your superintendent demonstrate an understanding of your specific commitment to curriculum development and your commitment to the educational program in general?

- Has your board established a calendar for the review, revision, and adoption of curriculum? Does this calendar coordinate with State Framework and textbook adoption?
- Are you willing to cut funds from some budget categories so that enough funds are available for released time to allow teachers to work on curriculum?
- Are teachers in your district receiving inservice training in the effective use of newly developed programs, textbooks and materials?
- Is a variety of instructional methods used in your classrooms? And what are these methods?
- What specific measures are used in your district to ensure articulation between grade levels, and particularly between elementary middle or junior high, and senior high school? Are all teachers involved in the articulation process?

Curriculum and Accountability[2]

Since 1968, the Legislature has enacted laws providing for more local control of the instructional program and at the same time a greater degree of accountability. Student achievement and cost are being compared and the public and their lawmakers are making new demands upon public schools.

Probably one of the most far-reaching pieces of legislation was AB 65, adopted in 1977. In addition to sweeping revisions in school finance in response to *Serrano* (see Chapter 10), AB 65 expanded the previous AB 3408 mandate for setting local proficiency standards, called for school site councils and community involvement, provided for staff development, and revised the basis upon which high school diplomas are to be awarded in the future.

Under these new laws, every student who receives a diploma from a public school in California after June 1980, must have passed a proficiency test in basic skills established by that school district. By June 1979, districts maintaining grades 6 or 8, and those awarding graduation diplomas, must have established their standards of proficiency.

The relevant sections of the Education Code deal with two areas:

- Proficiency in the basic skills of reading, writing and mathematics.
- Knowledge, skills and confidence required to function effectively in a contemporary society.

The purpose of the law is threefold: to create public dialogue regarding high school graduation standards; to restore meaning to the high school diploma; and to encourage schools to focus early

[2]Based on CSBA's *Instructional Program Issues Task Force Report on Developing Proficiency Programs*, 1979.

attention on students having problems in the basic skills area.

Guidelines for Proficiency Testing Policy

Boards should consider the following precautions when establishing proficiency standards and tests:

- *Due Process Standard.* School board members in California need to be aware of the potential for law suits as a result of denying diplomas to students who are unable to pass proficiency tests. Your district's diploma policy must meet the test of due process and equality of treatment and opportunity.
- *Adequate Advance Notice and Phase-In.* By June 1979, your district should have established proficiency standards for students in the 4th through 6th, once in 7th through 9th and twice in 10th and 11th grades.
- *Racial and Linguistic Discrimination.* Boards need to be certain that proficiency tests are free from racial and linguistic bias. The standards must be set using the English language, and it is up to the local school board to provide any remedial programs necessary to provide equal opportunity for all students from diverse backgrounds to qualify for a diploma under this condition. The State Department of Education issued Appendix M in March, 1979, which deals in greater detail with the issue.
- *Test Validity and Curriculum Match.* Many districts have had little experience in designing tests. Ask your superintendent if test objectives are compatible with course objectives and if areas tested are the same as those taught. The match between existing curriculum and proficiency tests is critical. Students graduating after June 1980 are the product of existing programs, yet will face a pass/fail hurdle that was not required of previous classes.
- *Adequate Remedial Instruction.* No student should be denied an opportunity to pass because of lack of competent corrective education. And while Proposition 13 has reduced or eliminated summer school and has in some cases increased class size, remediation must be provided for students who fail during routine testing. (AB 8 mandates such classes after 1980-81.)
- *Responsibility of Educators.* A district should use effective evaluation of teacher performance in preparing students to meet required proficiencies.

Accreditation

California schools can be accredited by the Western Association of Schools and Colleges. The Evaluation/Accreditation Program sponsored by the Western Association focuses the attention of the school's entire staff and student body (where applicable) on an

assessment of the quality of both the educational process and product. The quality assurance provided by the accreditation process can be a valuable asset in these times when institutions and agencies are being asked for accountability.

During the accreditation process, a school's program is examined by the school and by the Accrediting Commission team to see how well the school program relates to the needs of its students and to the stated objectives of the district.

To qualify for accreditation, a school must

- Have set clearly defined and appropriate educational objectives.
- Have established conditions under which their achievement can reasonably be expected.
- Should appear to be accomplishing them substantially.
- Appear to be accomplishing them substantially.
- Be so organized, staffed and supported that it can be expected to continue to do so.

New board members should ask for the most recent accreditation reports for those districts that have gone through the process.

Additional Help

CSBA periodically mails "Curriculum Update" to presidents of all member boards. "Update" contains the latest information and instructional program trends, as well as guidelines and sample policies for local school board consideration.

On request of the local school board, CSBA will conduct mini-workshops for member boards and provide staff to assist in understanding and improving the instructional program.

Chapter

10

Understanding School Finance

A Chronology of School Finance Reform[1]

School finance in California has been, and still is, undergoing fundamental changes. The State's system for funding schools has been declared unconstitutional, and the educational community and State Legislature have been working to meet the court challenge. The state has also felt a full-scale tax revolt in which much of the public voted anti-tax, anti-politician, and anti-government — but still expected the schools to teach four-and-one-half million Johnnys to read.

Before Serrano

A decade ago California's system for funding schools was similar to that of most other states. It was primarily dependent on local voted property taxes, along with some support based on a foundation program level with adjustments for local wealth.

The amount of money spent for each pupil varied dramatically by district from lows of about $400 to a high of nearly $3500. Another disparity was the wide range of local property values and tax rates, wherein lower rates generated far greater amounts of revenue.

Serrano I

In 1968 John Serrano joined with nine other parents and sued a number of state and local officials on the grounds that the school finance system resulted in an unfair and unequal education for his son. In 1971 the State Supreme Court ruled that the California school funding system did violate equal protection clauses of the state and U.S. constitutions, stating that the system "invidiously discriminated against the poor because it makes the quality of a child's education a function of the wealth of his parents and neighbors." With that the case was sent back to the county superior court for factual determination.

Senate Bill 90

The increasing concern about the implications of *Serrano* and the growing pressure for property tax relief brought about SB 90, a bill which cost over $1 billion, half of which went to tax relief and the rest to general and special education. A one cent increase in the sales tax and federal revenue sharing funds financed the bill.

The bill doubled the foundation levels, and state allocations were based on local district wealth, with a guaranteed minimum allocation of $125 per student.

SB 90 also required every district to establish its own revenue limit per student. Thus, the tax income for schools was no longer based on the increase in assessed values, or the current tax rates, or the

[1] For your reference, a glossary of finance terms appears in Appendix D.

amount of funds received from the state, but solely on the revenue limits, which could increase only a set percentage each year.

How did this mechanism provide for *Serrano* compliance or property tax relief? Establishment of revenue limits locked in existing inequities, but the inflation factor was used to work high and low support districts toward equalization: those districts below the foundation level could increase their limit each year by 15 percent while those above the foundation level were permitted only one to nine percent increases. Through increased state aid, tax rate reductions of up to 40 percent were provided to low wealth districts with high tax rates.

Serrano II

The *Serrano* case had been remanded to the Los Angeles Superior Court, where it was heard by Judge Bernard Jefferson. His decision, rendered in the summer of 1974, agreed that the way Californians pay for their public schools is unfair to taxpayers and children in low-wealth districts. He also ruled that SB 90 made insufficient progress toward equality and required that wealth-based differences in per pupil spending be less than $100 statewide by September 1, 1980.

Judge Jefferson's decision was appealed back to the State Supreme Court where it was reaffirmed by a four-to-three vote in December 1976.

Although many believed at that time that students from low-income families would be the big winners, research shows that many low-income pupils live in big cities which have average or even higher-than-average income limits and would get very little if any financial benefit. On the other hand, many high-spending districts are rural with high costs not connected to program but to transportation and energy needs over which they have no control; reductions in these districts would be to programs whether the programs were "rich" or not.

Post SB 90

With declining school enrollments and an inflation factor limited to less than an average six percent increase per year, spending for education after 1972 diminished in relation to total public expenditures, which grew according to increases in assessed value and inflation.

After SB 90 and the Jefferson decision, the Legislature worked to alleviate the problem of insufficient funding for education, while also working to comply with the *Serrano II* decision. Bills were passed in 1975 and 1976, primarily to increase the inflation factor

allowed school districts in setting revenue limits. Unfortunately, these bills offered no long-range solutions and were not signed into law until districts had already adopted their budgets.

AB 65

This bill, passed in 1977, gave sufficient funds to work toward *Serrano* in both pupil expenditure and local tax burden. It also provided for a major school improvement program and funding for a redefined master plan for special education. AB 65 covered four to five years, with a first-year cost of $300 million and a total five-year cost of $4.2 billion.

The provisions of the bill were as follows:

- *Property tax equity:* more state funding for "poor" districts and recapture provisions for "rich" districts.
- *Expenditure equity:* Inflation factors adjusted to provide faster convergence.
- *Special needs:* Four-year phase-in of Master Plan implemented.
- *School improvement:* Early Childhood Education program expanded to K-12.
- *Differential costs:* Urban aid expanded.

Unfortunately, by the time AB 65 was passed, the significant tax reduction for high-taxing districts could not be implemented for that year because the annual district tax rates had already been set as prescribed by law.

SB 90, Jr.

The first SB 90 in 1972 provided that any new or expanded local program required by the Legislature had to be funded by the State. Although it did not cover federal or judicial mandates, it applied to all Legislative ones. However, the word "disclaimer" became all too familiar as many bills with local mandates — such as SB 160 — carried a disclaimer clause denying there were any state-mandated costs.

For that reason, the second SB 90 was passed in 1977 to provide an appeal process for local agencies finding costs attached to State-mandated programs. The Board of Control was named to hear claims and authorize payment from a special funding bill.

Property Tax Relief Legislation

In the past ten years a number of bills have been passed to alleviate the property tax burden. SB 90 of 1972 and AB 65 of 1977 provided relief in high tax rate districts. Others that were passed for schools and special districts provided more state support and reduced dependence on the local property tax. In addition to the

added state funding already discussed, laws were aimed at reducing the property taxes of specific populations, such as renters, homeowners, and senior citizens.

Despite these reductions and exemptions, property tax revenues continued to zoom upward. California's booming housing market and inflation caused dramatic increases in assessed values and forced large increases in tax bills as tax rates stayed constant. By mid-1977, a critical point was reached. The state surplus had grown to an estimated $2 billion, and the Legislature and the governor talked of tax relief while the public waited expectantly. No compromise was reached, and there was no relief and no reform.

Jarvis & Gann

Then, along came Howard Jarvis and Paul Gann, a case of being in the right place at the right time with the right story. With tax bills in hand, the public had watched the Legislature fail to respond. In June 1978 they vented their frustration by voting for the Jarvis-Gann Initiative, Proposition 13. The Initiative was simple — some said too simple — and contained only six major provisions:

1. Property taxes were limited to one percent of property's full cash value, excluding indebtedness previously approved by the voters.
2. Counties were to collect and apportion the one percent tax "according to law" to the districts in the county.
3. The full cash value of property reverted to its appraised value as of March, 1975.
4. Increases in full cash value were not to exceed two percent per year except when property was purchased, newly constructed, or had a change in ownership, at which time it would be appraised at current market value.
5. A two-thirds vote of qualified electors of any local taxing agency was required to impose any special taxes, with a prohibition against new property taxes.
6. A two-thirds vote of both houses of the Legislature was required to increase any state tax with a prohibition against levying property taxes.

Since the Initiative simply added a new provision to the State Constitution without amending or deleting conflicting sections, many experts believed that a number of new enabling laws would be needed.

At first estimate, the fiscal loss to local governments appeared staggering — a total decrease of $7 billion in property tax revenue. With an average loss of 60 percent, agencies predicted dire outcomes.

There were only three weeks between the election and the start of the fiscal year, when the initiative took effect. Three weeks seemed

too short a time to pass enabling laws and distribute surplus funds to keep local agencies alive.

Bail-Out

In the tax revolt climate, no legislator was going to suggest enacting new taxes, which left the state surplus the only viable source of replacement revenue. A pleasant surprise unfolded immediately: the estimated $3.5 to $4 billion surplus predicted before the election grew to more than $5 billion after the election.

The governor advised the Legislature to use $4 billion for bailing out local agencies and to set up a loan fund of $1 billion to handle immediate cash flow problems.

The Legislature turned to a tax reform bill from the previous year, SB 154, to be the vehicle. The $1 billion loan fund went in without problem but the distribution of the $4 billion to local governments proved more difficult. No mechanism for distributing these funds existed, which necessitated a whole new invention. Legislators decided to keep the method simple and not make program decisions from the state level.

The approach chosen was to fund up to 90 percent of a local agency's expected total revenue. Because of the requirements of SB 90 and AB 65, school districts were able to predict revenue accurately. Educational groups joined to persuade the Legislature to allocate $2.2 billion to education on the basis of the 1978-79 levels. Other provisions were as follows:

- The district revenue base included the 1978-79 AB 65 revenue limit for expected K-12 pupils and the revenue limit for adult and summer school pupils credited in 1977-78 plus the permissive override taxes actually received in 1977-78.
- The revenue base was funded on a statewide basis at the 90 percent level with those districts under 1.1 times the foundation level at 91 percent and those over 1.5 times the foundation at 85 percent. Those in between were prorated.
- This guaranteed revenue level was reached by subtracting the local property tax that was received and providing the remainder in a state block grant.
- While summer and adult pupils from the previous year were considered in the calculation process, it was left to local districts to decide if such funds should be reallocated to other education programs of higher priority.
- All categorical programs were funded at the 90 percent level except those for special education and teacher retirement, which were at the 100 percent level.
- All districts with unrestricted reserves over five percent of their

prior year's budget had to allocate one-third of the amount over five percent to offset the state block grant.

- County offices of education were funded to a consistent 90 percent guarantee level while community colleges were funded to an average 85 percent level. They also had to use one-third of their reserves over five percent.

These provisions were considered reasonable except the reserve allocation requirement, which penalized districts that had been cautious with spending in the past.

The real surprise was yet to come: the bail-out bill provided that no state funds would be given to any local agency that granted a cost of living increase greater than that permitted state employees. This meant that the state would set the amount of cost-of-living increases for all public employees regardless of existing contracts, a significant infringement on local control.

Clean-up Legislation

The clean-up legislation turned out to be more than that. In addition to correcting minor errors in SB 154, the bill announced that summer programs must be held for graduating seniors and handicapped pupils at a 90 percent level on pain of forfeiting all state funding, and it also mandated some adult programs formerly left to local discretion.

The final blow in the budget bill came when the governor blue-lined a 2.5 percent cost-of-living increase for state employees, thus preventing any public employee from getting a COL raise, regardless of contract provisions.

Court Challenge

The Jarvis Initiative was the target of numerous court challenges, which were consolidated for hearing by the California Supreme Court. In September 1978, the Court ruled that the Initiative was constitutional. It also ruled, however, that the salary freeze requirement was unconstitutional in that it abrogated prior contract agreements and preempted the salary-setting authority of local government.

AB 8 and Finance Reform[1]

In 1979, the Legislature enacted AB 8, the long-awaited comprehensive reform of local government financing, however tilted by the requirements of Jefferson and Jarvis. AB 8 was a multi-year bill that provided substitute funding for local agencies to offset property tax

[1] A detailed discussion of AB 8 appeared in the August 13, 1979 "CSBA News — Legislative Report," Vol. 79, No. 6.

revenues lost under Proposition 13. By providing for the transfer of some $750 million in property tax revenues from schools to other local agencies, AB 8 allowed the state to get out of the bailout business for cities, counties and special districts. In doing so, however, the measure significantly increased the schools' dependence on the state general fund and raised questions of governance. Although this question will not be considered here, suffice it to say that of the $9.6 billion spent on schools in 1978-79, 81 percent came from the state.

Other provisions of AB 8 are as follows:

- Revenue limits are adjusted by an 8.6 percent inflation factor. This revenue limit does not include adult ed, child care, meals for needy students or development centers for the handicapped, which are inflated by 7 percent.
- The formula for *Serrano* compliance provides a $65 range in state aid, with low-expenditure districts receiving $150 ADA and high-expenditure districts $85.
- Help was afforded small districts in two ways: (1) their base revenue limit is "squeezed" based on comparison of their limits to those of other direct service districts; and (2) their transportation costs in excess of three percent of their budgets are matched by the state on a dollar-for-dollar basis.
- Only mandatory adult and summer school programs are funded. Remedial summer school courses for students failing competency tests are mandated after 1980-81.
- The state assumes the additional cost of more fully funding the State Teachers' Retirement System, including annual increases based on CPI inflation growth.
- AB 8 calls for sunsetting, over four years, all categorical programs not reenacted by the Legislature, but provides for the continuation of site councils if School Improvement Program is terminated.
- A deflator mechanism permits funding levels to be reduced if revenue projections fail.
- AB 8 offers several alternatives to provide capital outlay funds for facilities. Because of the critical impact of Proposition 13 on such funding, details are presented separately in Chapter 11.

The Future

Although many feel that the educational process should not be dictated by dollars, your school budget must describe the district's educational system — the programs to be run, the student population to be served, and the priorities that have been established. The school budget is pivotal in the education of children. School budgets have been a battlefield for the past ten years in California, and this will

not change in the foreseeable future.

Preparing the School District Budget

Boards have the major responsibility for planning, preparing, adopting, implementing and evaluating the district's budget and for the control of all fiscal operations.

Basic Understandings Needed

To function effectively in discharging these responsibilities, a school board member must understand four basic things about district operations:

- Where the money comes from and in what amounts.
- Where the money goes, and in what proportion.
- Why it goes where it goes.
- What the end results are for students.

The first area of trustee concern — how much money and from what sources — will be clearly stated in the first pages of the district's budget. The second concern — where spent and for what — requires considerable scrutiny and discussion. The board's success in understanding expenditures will depend on the format in which the budget is presented, the staff's openness and communication skills, and on each board member's dogged attention to seemingly "unimportant" details.

It is the legal responsibility of the board to approve and adopt the annual budget, which each year funds district policies and related objectives. The degree of involvement of school board members in the actual budget-building process leading to that adoption will vary from district to district, depending upon district size, characteristics, and board time and energy.

Whatever the size and characteristics of a particular district, the basic guideline should be that trustees have the degree of information and participation that allows them to exercise "the same care and judgment that they would have exercised in the management of their *own* affairs."

Budget Planning

District trustees and the superintendent and staff should hold an annual Planning Workshop early in the budget-making process. An extended early budget workshop allows the trustees to consider estimated available income and set district priorities relating to the instructional programs for the coming year, school plant maintenance programs, personnel needs, salaries, and other financial demands.

Such early deliberations enable the board and administrators, acting as a team, to provide the kind of orderly planning and

leadership that will result in the best possible educational program for the funds available. Essential to that approach is the sharing with board members of all data available to the administration early in the budget year so that the board can reexamine past and current priorities and practices.

Once the board makes its policy decisions concerning emphasis or de-emphasis of particular instructional or extra-curricular programs or support services, various methods of budget development may follow. These will vary according to the size and complexity of the district, the energy of the board, and the philosophies of the personnel. Frequent reporting and periodic review of the budget data by the trustees are necessary as the district's budget is built and moves toward final adoption by the board.

Chapter 11

Facilities — Housing For Students

A school board's responsibilities include provision of adequate classroom space to house the district's student population. Enrollment is dropping in some school districts and these school boards are faced with the prospect of having to close schools. Others in growth areas must house new students without being able to propose general obligation bonds, which were barred by Proposition 13. Although the traditional method of obtaining funds to construct new school facilities was bonding, today only those districts with bonds approved prior to the passage of Proposition 13 may now use this method of financing.

AB 8 sought to alleviate this problem by providing several alternatives for districts needing capital outlay funds.

State School Facilities Aid Fund

The capital improvement plan proposed under AB 8 is essentially dependent on passage of Proposition 4 in November of 1979. Under the provisions of AB 8, the State School Facilities Aid Fund would receive monies from three sources: slippage, sales tax increases, and property tax revenue increases.

First, the Fund would receive those dollars attributable to "slippage." Slippage occurs when actual increases in property tax assessments are greater than the projected increases used to calculate state aid. Previously, when actual revenues were more than projected, the state simply provided less so the district received the same total amount. Under AB 8, the state would contribute the same, and any increase in property taxes would be diverted to the Fund.

The second source of funds would be one half of the sales tax increase which cities and counties receive in excess of their Proposition 4 limit.

The third source would be one quarter of the property tax increase for cities and counties which exceeds their Proposition 4 limit. Rather than having these excess funds applied to tax relief for the property owners in these jurisdictions, the state would reduce its support of these agencies and divert the revenue to the Fund.

Deferred Maintenance Fund

Commencing in 1980-81, AB 8 provides a program of state funding for deferred maintenance for school districts. To be eligible a district must

- Deposit in a deferred maintenance account funds up to a maximum of 0.5 percent of the total general funds budgeted by the district for the fiscal year.
- Agree that no expenditures shall be made from the account except for certain major repairs, painting, or other items approved

by the State Allocation Board.
- Maintain the current level of maintenance funding plus provide for annual increases based on the Consumer Price Index.
- File with the Allocation Board and receive approval of a five-year maintenance plan.

If it meets the above requirements, a school district can receive dollar-for-dollar matching funds from the state up to 0.5 percent of the total general funds budgeted by the district.

Funds from Sale or Lease

If a school district sells or leases its property, the funds may be deposited in the district general funds if the district board and the State Allocation Board determine that the district (1) doesn't need additional sites or building construction for the next five years and (2) has no major deferred maintenance requirements.

Portable Classrooms

A school district may lease portable classrooms from the state for no less than one dollar and no more than $2000 per year, provided that it can prove to the State Allocation Board that it has no available bond proceeds which could be used to purchase classroom facilities. The Allocation Board shall adopt the rules establishing priority for leasing portable classrooms from the state.

Fees on Residences (SB 201)[1]

The provisions of SB 201 (1977), which authorized school districts to impose fees on new residences, were modified by AB 8 as follows:
- SB 201 funds may only be used for interim facilities, defined as temporary classrooms, including utilities, furnishings, and toilet facilities which are *not* constructed on permanent foundations.
- The district's requirement for dedication of land or payment of fees must relate to the needs of the community for interim school facilities. The fees may not exceed the amount necessary to pay five annual lease payments for the interim facilities.
- In lieu of the payment of fees, building or residential developers may, at their option and expense, provide interim facilities owned or controlled by the builder, at a place designated by the school district. At the conclusion of the fifth school year, the builder shall, at the builder's expense, remove the interim facilities from the school site.

[1]A recent Attorney General's ruling has cast a cloud over the use of SB 201 funds, saying that these "fees" may actually be taxes needing a vote of the electorate to enact. Pending determination, county offices are holding all SB 201 funds collected.

Planning Essential

The school board is responsible for the development of a facilities master plan that considers the present and future needs of the district. Without such a plan, piecemeal construction and maintenance may result in permanent but ill-advised commitments.

Boards in larger districts should rely on facilities planning, maintenance, and research staff to keep them informed as to needs and advise them of trends, such as changes in the student populations. Long-range planning for site acquisition and use is desirable, as is preventive maintenance planning to reduce the need for costly major repairs.

Appendix A

Sources of Information

CSBA Publications

Phone or write the CSBA office for price and availability.

Board Members Bookshelf
Board Meeting
Boardsmanship
Board President's Handbook
Discussion Guide to Initiate Study of Educational Philosophy and Goal Setting
Multicultural Education
Preventing Student Violence and Vandalism
Sample Policy Manual
Special Education Handbook
Superintendent Selection Guide for Small School Districts

Cassettes
AB School Finance/Budget
School Strikes

Periodicals
California School Boards Journal — one theme issues available on

- AB 65
- Community Involvement
- Competency-Based Education
- County Offices
- Economics Education
- Finance Reform
- Gifted Education
- Multicultural Education
- One-Room Schoolhouses
- Parenting Education
- Proposition 13
- SB 160
- Student Needs
- Student Rights
- Testing
- Title 9
- Vocational Education
- What's Right With Education

CSBA News (Information & Legislation)
Curriculum Update
Employee Relations Information Services
Proposition 13 Information Services

California State Department of Education

The California SDE regularly produces a multitude of publications as well as curriculum frameworks of help to school districts; these

may be purchased for a nominal charge. A list of "Selected Publications" may be obtained from the Bureau of Publications, California State Department of Education, 721 Capitol Mall, Sacramento, CA 95814.

In addition, motion pictures, filmstrips, and videotapes can be purchased or borrowed through the Department. A current list of offerings can be obtained by writing the Office of Information, California State Department of Education, at the address above.

National School Boards Association

NSBA publishes two magazines and publications on communication, public relations, superintendent selection and other topics of concern to board members. To obtain a current publication list, write NSBA, Publications, 1055 Thomas Jefferson St., N.W., Washington D.C. 20007.

Other Sources of Information

- Association of California School Administrators
  1575 Old Bayshore Highway
  Burlingame, California 94010
- American Association of School Administrators
  1801 North Moore Street
  Arlington, Virginia 22209
- National School Public Relations Association
  (Same as AASA, above)

Reading List of Periodicals

AASA SCHOOL ADMINISTRATOR — newsletter of the American Association of School Administrators, 1801 N. Moore Street, Arlington, Va. 22209; available only to administrators who are members of the AASA.

AMERICAN EDUCATION — a monthly magazine reporting to the people of the United States on the Federal Government's activities in education. Published by U.S. Government Printing Office, Washington D.C. 20402; 10 issues/year.

AMERICAN SCHOOL BOARD JOURNAL — aimed at school board members and administrators, published by the National School Boards Association, 1055 Thomas Jefferson Street N.W., Washington D.C. 20007, 12 issues/year.

EDUCATION DIGEST — digest of articles reprinted from educational magazines; published by Prakken Publications, Inc., 416 Longshore Drive, Ann Arbor, Mich. 48107; 9 issues/year.

EDUCATION U.S.A. — weekly newsletter mailed first class and air mail which covers major developments and issues across the nation; published by the National School Public Relations Association, 1801 N. Moore Street, Arlington, Va. 22209. September through May.

FOR SCHOOL BOARD MEMBERS — tips for board members on policymaking, legal problems, and general board procedures; published by Croft Educational Services, 100 Garfield Ave., New London, Conn. 06301.

PHI DELTA KAPPAN — professional journal of Phi Delta Kappa, education fraternity, contains solicited articles on current thinking and developments in research, service, and leadership; published by Phi Delta Kappa, Eighth St. and Union Ave., Bloomington, Ind. 47401; 10 issues.

PTA MAGAZINE — membership magazine of the National Congress of Parents and Teachers, 700 N. Rush St., Chicago, Ill. 60611; contains educational news of interest to parents of school-age children; 10 issues, $2.50.

SATURDAY REVIEW/WORLD — bi-weekly magazine of the arts, literature, and travel, publishing monthly supplements on education; subscription information from Saturday Review/World, P.O. Box 10010, Des Moines, Ia., 50340; 26 issues a year.

SCHOOL BOARDS IN ACTION — 24th Yearbook (1946) of the American Association of School Administrators. Published by the AASA, 1801 N. Moore Street, Arlington, Va. 22209.

SCHOOL BOARD-SUPERINTENDENT RELATIONSHIPS — 34th (1956) Yearbook of the American Association of School Administrators, written by a commission of the Association. Published by the AASA, 1801 N. Moore Street, Arlington, Va. 22209.

SCHOOL MANAGEMENT — contains in-depth articles on school administration with particular emphasis on school building and financing; published by CCM Professional Magazines, Inc., 22 W. Putnam Ave., Greenwich, Conn. 06830; 12 issues.

THEORY INTO PRACTICE — contains articles on educational theory and practice. Published by the College of Education, Ohio State University, Arps Hall, 1945 N. High St., Columbus, Ohio 53210; 5 issues a year.

TODAY'S EDUCATION — membership magazine of the National Education Association, 1201-16th St., N.W., Washington, D.C. 20036; published nine times a year and available only to NEA members.

Appendix B

Organizations and Agencies Related to Education

AAUW	American Association of University Women
AAJC	American Association of Junior Colleges
AASA	American Association of School Administrators
ACCT	Association of Community College Trustees
ACE	American Council on Education
ACSA	Association of California School Administrators
ACSCP	Association of California State College Professors
AFT	American Federation of Teachers
ASBO	Association of School Business Officials
ASCCC	Academic Senate of California Community Colleges
BGCCC	Board of Governors of the California Community Colleges
CARE	California Agency for Research in Education
CASBO	California Association of School Business Officials
CASCR	California Association of Student Council Representatives
CCET	California Council on the Education of Teachers
CCHE	Coordinating Council for Higher Education
CCPT (PTA)	California Congress of Parents and Teachers
CCUFA	California College and University Faculty Association
CFT	California Federation of Teachers
CJCA	California Junior College Association
CJCFA	California Junior College Faculty Association
CRTA	California Retired Teachers Association
CSBA	California School Boards Association
CSEA	California School Employees Association (also California *State* Employees Association)
CSFSA	California School Food Service Association
CSHA	California School Health Association
CSNA	California School Nurses Association
CSSDA	California Small School Districts Association
CTA	California Teachers Association
CTPL	Commission for Teacher Preparation and Licensing
ECC	Educational Congress of California
FACCC	Faculty Association of California Community Colleges
LCC	League of California Cities
LWV	League of Women Voters
NEA	National Education Association

NSBA	National School Boards Association
OCR	Office of Civil Rights
PERB	Public Employee Relations Board
PTA	Parent-Teachers Association
SBE	State Board of Education
SDE	State Department of Education
STRS	State Teachers Retirement System
WASC	Western Association of Schools and Colleges

Appendix C

Glossary of Employment Relations Terms

Following are definitions of some of the employment relations terms with which school board members should be familiar. Terms pertaining to finance have been included in Appendix

Affirmative Action Employment Program. Planned activities to seek, hire and promote women and persons of minority racial and ethnic backgrounds as a conscious, deliberate step taken by a hiring authority to assure equal employment opportunity for all staff, both certificated and classified.

Agency Shop. An organizational security arrangement that may require the employee to join or pay a service fee to the exclusive representative of the negotiating unit as a condition of employment.

Arbitration. A method of settling a labor-management dispute by having an impartial third party hold a formal hearing, take testimony, and render a decision. Two types of arbitration are permissible under EERA: (1) advisory arbitration, in which the arbitrator makes a recommendation to the board; or (2) binding, wherein the arbitrator's decision is final.

California State Mediation & Conciliation Service. A division within the Department of Industrial Relations which provides mediators to parties at impasse under the Act with the objective of achieving settlements.

Certificated Service. All employees required by law to possess credentials issued by the State Department of Education and the positions which are limited to those who possess such credentials.

Certified Organization or Certified Employee Organization. An organization which has been certified by the PERB as the exclusive representative of the public school employees in an appropriate unit after a proceeding under Article 5 (commencing with Section 3544) of the Rodda Act.

Check-off. An arrangement whereby an employer deducts from the pay of employee organization members in a negotiating unit membership dues and assessments.

Classified Service. Every position not defined by the Education Code as a position requiring certification qualifications and not specifically exempted from the classified service.

Closed Shop. A provision in a collective bargaining agreement under which the employer may hire only union members and retain only

union members in good standing. The Closed Shop is not a permissable form of organizational security under the Rodda Act. (See *Union Shop*).

Collective Negotiations. A method of bilateral decision-making in which the employer and the exclusive representative of the employee determine the wages, hours, and terms and conditions of employment of all employees in a negotiating unit. The negotiations normally result in a written agreement.

Community of Interest. A factor to be considered in determining whether employees should be grouped together as an appropriate negotiating unit.

Conciliation. See *Mediation*.

Consent Election Agreement. A document executed by the parties and approved by the PERB Regional Director in a case pursuant to which a PERB election is conducted to determine by majority vote of the employees in an undisputed appropriate unit which, if any, employee organization will serve as the exclusive representative of the employees.

Contract Bar. The principle that an existing agreement between an employer and an exclusive representative prevent a representation effort sought by another employee organization attempting to unseat the incumbent exclusive representative. Such contract bars may have a minimum duration of three years under the Act.

Decertification. The process whereby the employees of a negotiating unit seek to remove an incumbent recognized or certified exclusive representative.

Efficiency of Operation. A factor to be considered in determining whether employees should be grouped together in an appropriate negotiating unit.

Employee or Public School Employee. As defined in the Act, any person employed by any public school employer except persons elected by popular vote, persons appointed by the Governor of this state, management employees and confidential employees.

Employee Organization. Any organization which includes employees of a public school employer and which has as one of its primary purposes representing such employees in their relations with that public school employer. "Employee organization" shall also include any person such an organization authorized to act on its behalf.

Employer or Public School Employer. As defined in the Act, the governing board of a school district, a school district, a county board of education, or a county superintendent of schools.

Escalator Clause. A clause in a negotiated agreement that ties wage

rates to the cost of living during the period of the agreement.

Exclusive Negotiating Rights. The right and obligation of an employee organization designated as majority representative to negotiate collectively for all employees, including non-members, in the negotiating unit.

Exclusive Representative. The employee organization recognized or certified as the exclusive negotiating representative of certificated or classified employees in an appropriate unit of public school employment.

Fact-finding. The culmination of the Impasse Procedures, Article 9, of the Act. A tripartite panel with the chairperson appointed and paid for by PERB considers several specifically enumerated facts and makes findings of fact and recommendations of terms of settlement to a negotiating agreement. Such recommendations are advisory only and may be adopted or rejected in whole or in part by the parties.

Good Faith Negotiating. The requirement that the parties negotiate at reasonable times with a willingness to reach an agreement on contract terms.

Impasse. The point in negotiations over matters within the scope of representation at which the differences in positions between the parties are so substantial or prolonged that further meetings would be futile.

Injunction. A court order restraining individuals or groups from committing acts which the court determines may do irreparable harm. There are several types of injunctions: temporary restraining orders, issued for a limited time prior to a hearing on the issue of the need for a preliminary injunction pending the trial of the case in chief; a preliminary injunction sometimes is continued in effect thereafter pending the completion of the trial of the case. A permanent injunction may be ordered after all the issues have been heard on the merits in the case in chief, and as part of the remedial judgement.

Maintenance of Membership. A form of organizational security whereby employees who are union members on a specified date and those who elect to become members after that date are required to remain members in good standing as a condition of employment during the term of the contract.

Management Employee. Any employee in a position having significant responsibilities for formulating district policies or administering district programs. Management positions shall be designated by the public school employer subject to review by the Public Employment Relations Board.

Mediation. Usually used interchangeably with conciliation to mean an attempt by a third party, usually appointed by the State, to bring together the two sides in a dispute. The mediator has no power to force a settlement but can offer compromise solutions. Under the Act, mediation is the first step when impasse has been reached.

Meeting and Negotiating. Meeting, conferring, negotiating and discussing by the exclusive representative and the public school employer in a good faith effort to reach agreement on matters within the scope of representation and execution, if requested by either party, of a written document incorporating any agreements reached.

Merit system. A system of public personnel administration, supervised by an autonomous politically neutral board or commission, which has statutory authority to establish regulations to insure that persons are selected, retained, and advanced in the public service solely on their demonstration of merit and fitness in a fair, impartial, competitive examination and that all personnel movements are based on relative competence.

Multi-Employer Bargaining. Collective bargaining that covers more than one employer in a given industry or region. Multi-employer bargaining is relatively common in the private sector.

National Labor Relations Act, (Wagner Act) 1935. Basic federal act guaranteeing private sector workers the right to organize and bargain collectively through representatives of their own choosing.

National Labor Relations Board (NLRB). Five member board created by the National Labor Relations Act whose functions are to define appropriate bargaining units, to hold elections, to determine whether a majority of workers want to be represented by a specific union or no union, to certify unions to represent employees, to interpret and apply the act's provisions prohibiting certain employer and union unfair labor practices, and otherwise to administer the provisions of the act.

Negotiating Agent. An employee organization certified by PERB, or voluntarily recognized by the employer, as the exclusive representative of all the employees in an appropriate unit for purpose of collective negotiating.

Negotiating Unit. Shortened form of "Unit Appropriate for Collective Negotiating." A group of employees recognized by the employer or group of employers, or certified by PERB as appropriate for representation by an employee organization for purposes of collective negotiations. See *Community of Interest* and *Efficiency of Operation*.

Neutral. A disinterested third party who intervenes into negotiation or contract disputes in order to facilitate settlement.

Organizational Security Agreement. The Act allows the parties to agree to either (1) maintenance of membership or (2) agency shop.

Personnel Commission. A three-member body appointed in accordance with the Education Code provisions and responsible for administering the merit system provisions of the Education Code as they apply to classified employees.

Prevailing Rate. Wage rates that are paid to most workers engaged in the same or similar occupations within a geographic or labor market area.

Public Employment Relations Board. The three-member board appointed by the governor and confirmed by the State Senate to administer the Rodda Act.

Public School Employee. See *Employee.*

Public School Employer. See *Employer.*

Recognized Organization. An employee organization which has been recognized by an employer as the exclusive representative in an appropriate unit pursuant to Article 5 of the Act.

Reopener Clause. A provision in a collective bargaining agreement which states the times and circumstances under which certain parts of the agreement, usually wages, can be renegotiated before the agreement expires.

Shift Differential. A wage differential or bonus paid to employees who work on shifts other than the regular day shifts.

Showing of Interest. Support that the union must demonstrate, usually by signed authorization cards, by employees in proposed bargaining unit before an election will be held. Most common requirement is showing of interest among 30 percent of unit employees.

Supervisory Employee. Any employee, regardless of job description, having authority in the interest of the employer to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to assign work to and direct them, or to adjust their grievances, or effectively recommend such action, if in connection with the foregoing functions, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgement.

Union Security. See *Organizational Security.*

Unit. Shortened form of "unit appropriate for collective negotiating." See *Negotiating Unit, Community of Interest,* and *Efficiency of Operation.*

Whipsawing. Employee union tactic of negotiating with one employer at a time using each negotiated gain as a pattern or base from which to negotiate equal or better terms of settlement with the next employer.

Appendix D

Glossary of School Finance Terms

Apportionment. State funds allocated to local school districts by the State Department of Education according to formulas approved by the State Legislature.

Assessed valuation (AV). The total value of residential, agricultural and commercial property as determined by the county assessor. Property in California is assessed at 25 percent of market value. It is the basis for computing tax rates for local government units, including school districts.

Average daily attendance (ADA). A unit of measurement computed by adding the number of students actually present on each school day throughout the year and dividing the sum by the total number of school days in the year. One ADA is generated by the attendance of one child 175 days in a school year. Absence for illness does not count as an absence in ADA computations.

Assessed valuation per average daily attendance (AV/ADA). The amount of assessed valuation per child in a given district; determined by dividing the total assessed valuation in a district by the ADA. This is one measure of a district's relative ability to pay for public schooling.

Base Revenue Limit. The base income figure to which is added categorical funding and federal income. This amount may be increased by inflation factors and other adjustments approved by the Legislature.

Basic aid. The minimum amount that every public school district receives from the state regardless of the district's wealth.

Budget. A plan of finance operation embodying an estimate of proposed expenditures for a given period and purposes and the proposed anticipated income to finance them.

Capital outlay. Expenditures that result in the acquisition of fixed assets or additions to fixed assets; expenditures for land or existing buildings, improvements, construction, remodeling, etc.

Categorical aid. Money from the state or federal government that is allocated to local school districts for special children or special programs such as educationally handicapped, mentally gifted minors and educationally disadvantaged youth. The local district applies for these funds and receives them according to the number of students in each category. Categorical funds must be used only for the intended purpose.

Computational tax rate. A uniform tax rate that is used to calculate a district's share of the foundation program.

Cost differentials. Differences in per pupil costs due to the location of schools, the needs of students served or other external reasons.

Current expense of education. The total operating expenditures of a school district including all expenditures except food services, community services, capital outlay, debt services and tuition.

Deflator. Mechanism introduced in AB 8 (1979) to reduce state apportionments to schools, cities, counties, and special districts, when state income, including surplus funds, does not reach an anticipated goal.

Direct Service Districts. Elementary districts with less than 901 ADA, high school with less than 301, and unified, 1501. Most Direct Service Districts are eligible for special services from the county schools office.

District aid (or share). The district's contribution to the foundation program, generally computed by multiplying the district's assessed valuation by the computational tax rate.

Economic impact aid. A new categorical funding source to take effect July 1, 1979. It combines existing Educationally Disadvantaged Youth (EDY) and bilingual program funds into a single allocation system. Allocations for eligible districts will be based on factors similar to those currently used in the EDY program.

Equalization aid. The state contribution to the foundation program of a local district if the sum of state basic aid and district aid fails to equal or exceed the amount of the district's foundation program.

Equalization tax. A mechanism whereby high-wealth districts have a portion of their revenues "captured" by the state and deposited in the state school fund.

Expenditure equalizing. A procedure for distributing state and local resources so that all districts have the capability of offering a quality educational program.

Expenditure uniformity. An equity standard in school finance requiring equal expenditures per pupil for all students in the state. (See *Fiscal neutrality.*)

Fiscal neutrality. Fiscal neutrality is a court-defined equity standard in school financing stating that differences in expenditures per pupil cannot be related to local school district wealth. (See *Expenditure uniformity.*)

Foundation program. This is a theoretical minimum dollar amount necessary to provide each student with an adequate educational program. It is guaranteed by the state to all school districts

through a combination of state aid and local property tax revenues. The state's contribution to the foundation program varies inversely to the wealth of the local district — more going to poorer districts in the form of equalization aid.

Full State Assumption. Funding schools entirely from state sources such as sales and income taxes. No local property taxes are used.

General aid. State or federal assistance that can be used by a school district for any purpose.

Guaranteed yield program (GYP). A mechanism to ensure a given amount of revenue per pupil for a given tax rate in low-wealth districts with a revenue limit above the foundation program. If local assessed valuation is too low to produce the guaranteed amount, the state will provide a supplementary payment from the State School Fund using a computational tax rate applied to the difference between the foundation program and the district's revenue limit. For the complementary program in high-wealth districts see *Equalization taxes*.

High Expenditure Districts. Districts whose revenue limit per child is greater than 120 percent of the foundation program. Prior to Proposition 13, districts were referred to as "high wealth" if their total assessed valuation multiplied by the state's computational tax rate could raise more than the foundation amount per child. The designation "high wealth" did not refer to family income of district residents. Most "high expenditure" districts were formerly "high wealth."

Impact funds. Funds received by school districts due to enrollment caused by Federal or State activities on property that is not taxable (army bases, defense plants, etc.).

Inflation factor. Permitted annual increase in district revenue limit per ADA; set by statute.

Leveling Up. Raising the level of per pupil expenditure statewide toward that of the higher spending districts.

Leveling Down. Squeezing the level of per pupil expenditure statewide down to that of the lower spending districts.

Low Expenditure Districts. Districts whose revenue limit per child is about the same as or less than the foundation program. Prior to Proposition 13, districts were referred to as "low wealth" if their total assessed valuation multiplied by the state's computational tax rate could not raise the foundation amount per child. Most "low expenditure" districts were formerly "low wealth."

Minimum tax rate. A tax rate per $100 of assessed valuation that must be levied by all school districts within the state.

Modified assessed valuation (MAV). Because counties have different assessment practices, the state adjusts assessed valuations based on a state average to provide intercounty assessment comparability. (See *Collier factor.*)

Necessary small schools. Elementary school districts of less than 101 ADA and operating one or more schools; and high school districts of less than 301 ADA which meet a specified test of remoteness and inaccessibility. Special foundation programs are provided for these schools.

Override tax. A tax (or revenue limit) increase that must be approved by the voters within a school district.

Permissive override tax. A tax authorized by the Legislature, levied at the discretion of the local school board for a limited number of authorized purposes, i.e., community services, meals for needy students, etc.

Power equalization. A term meaning that each school district in the state will receive the same dollar yield from the same property tax rate. If, as in a low-wealth school district, a local tax rate does not produce the guaranteed revenue, the state makes up the difference. If, as in a high-wealth district, the yield from the same tax rate produces more than the guaranteed amount, the excess yield is captured and pooled by the state for distribution to low-wealth districts.

Pupil Weighting System. A method of distributing money for education according to the individual characteristics of each pupil. Weights, or ratios, are assigned for categories of pupil need or special costs; funds are distributed according to the total number of pupil weights in a district.

Reserves. Money which is carried over to the next year's budget. SB 154 required districts to deduct a portion of reserves from the calculated share of the state apportionment.

Revenue limit. The maximum amount of dollars that a school district can collect annually for general education purposes from state aid and local taxes. This limit does not include state and federal categorical support or revenue generated by permissive override taxes. The revenue limit concept was established by SB 90 (1972) and went into effect in 1973-74.

Revenue limit election. A ballot measure that seeks permission from local voters to increase a district's revenue limit by a specified amount per child. All approved overrides after July 1, 1977, are wealth equalized.

School tax rate (general purpose). The rate per $100 assessed

valuation needed to raise the local share of the revenue limit per ADA.

Senate Bill 90 (Chapter 1406/72). This bill established a ceiling on the amount of money collected per pupil, based primarily on each district's revenue per pupil in 1972-73. This ceiling is known as the revenue limit.

***Serrano-Priest* decision.** The 1976 California Supreme Court decision that declared California's system of financing schools unconstitutional because it violated the equal protection clause of the state constitution.

Slippage. Occurs when assessed valuation increases by more than increases in the foundation program.

Squeeze factor. Attempts to narrow the gap in the amount of money districts can raise per pupil. Districts with revenue limits above the foundation program are "squeezed" in proportion to how much their revenue limit exceeds the foundation program, thus receiving less of an automatic increase.

State School Fund. A special fund created by the constitution through which most of the state support for the public schools is provided. More than 99 percent of State School Fund revenue is derived from transfers from the State General Fund; the balance is derived from income from investments in the School Land Fund and the Unclaimed Property Fund. The constitution provides that the State School Fund shall be apportioned in its entirety each fiscal year.

Tax effort. The extent to which a local school district levies a local tax for schools.

Tax equalization. Tax equalization attempts to guarantee equal revenue to a district for equal tax rates so that a district with a given tax rate, regardless of wealth, would receive the same revenues as any other district in the state with the same tax rate. (See *Fiscal neutrality* and *Power equalization.*)

Urban impact aid. Aid to 19 large urban school districts in the state to help them meet urban school needs. Authorized by AB 65 and AB 8.

From *California Schools Beyond Serrano*, California State Department of Education, Sacramento, 1979, and

"Glossary of School Finance Terms," California Coalition for Fair School Finance, March 1979.

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